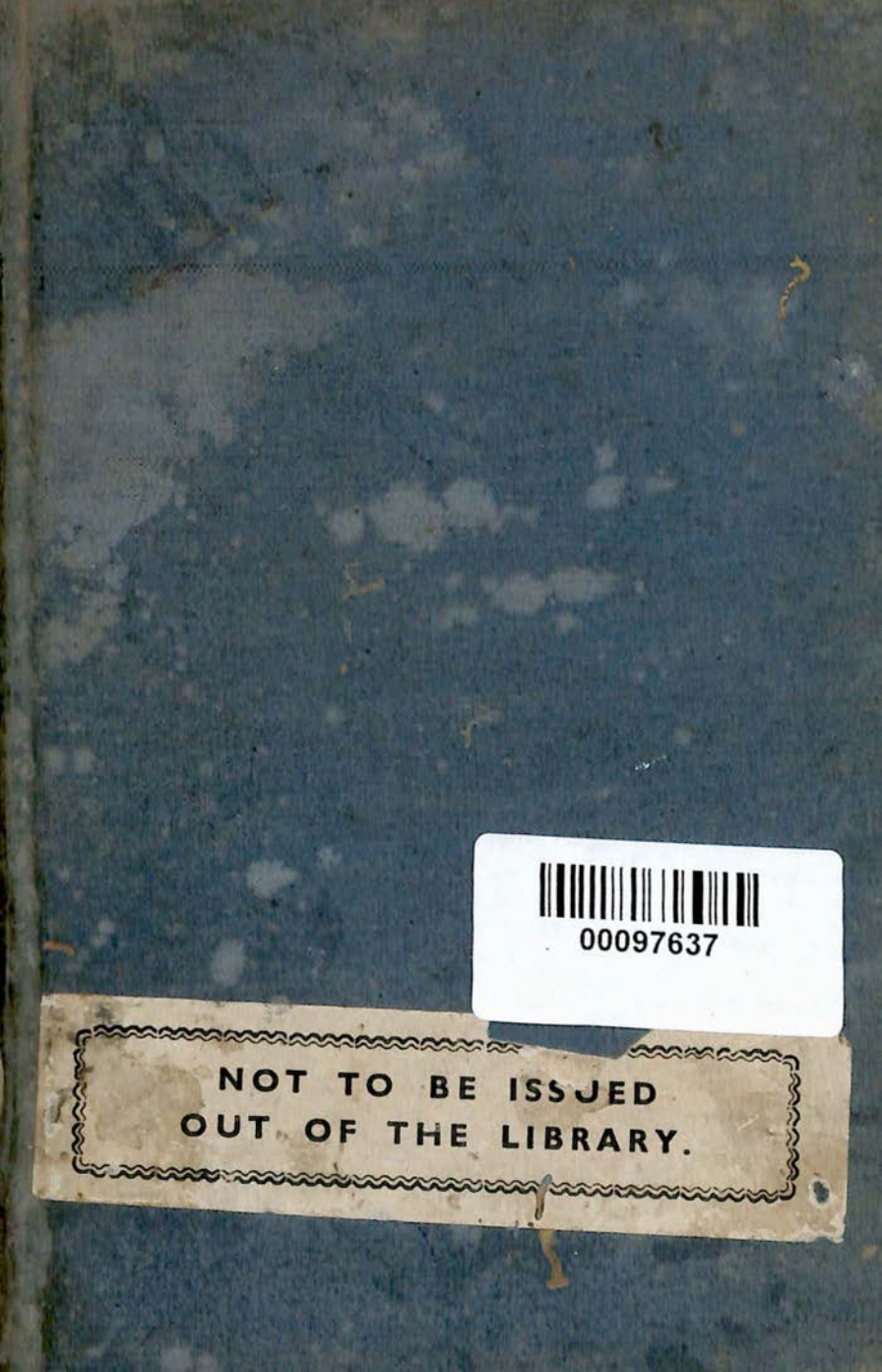

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THE LAW:

WHAT I HAVE SEEN, WHAT I HAVE HEARD,

AND

WHAT I HAVE KNOWN.

97637

BY

CYRUS JAY,

AUTHOR OF

"THE RECOLLECTIONS OF WILLIAM JAY OF BATH AND HIS CONTEMPORARIES."

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LONDON:
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TO THE

LAWYERS AND GENTLEMEN

WITH WHOM I HAVE DINED FOR MORE THAN HALF A CENTURY

AT

THE OLD CHESHIRE-CHEESE TAVERN,

WINE-OFFICE-COURT, FLEET-STREET,

This Work

IS RESPECTFULLY DEDICATED

BY THEIR OBEDIENT SERVANT,

CYRUS JAY.

PREFACE

In the composition of this work, the Author candidly confesses that he has been indebted for a few extracts to works which were not likely to come under the notice of mere general readers, but which struck him as being deserving of more extensive circulation.

During the fifty-five years that I have frequented the Cheshire Cheese Tavern, I have been interested in seeing young men, when I first went there, who afterwards married; then in seeing their sons dining there, and often their grandsons, and much gratified by observing that most of them succeeded well in life. This applies particularly to the lawyers with whom I have so often dined when students, when barristers, and some who were afterwards judges. A brother of one of them was an articled clerk of mine.

During the long period I have frequented this house, there have been only three landlords—Mr. Carlton, Mr. Dolamore, and Mr. Beaufoy Moore, the present landlord; and during each successive occupation the business has increased. I may here mention that, when I first visited the house, I used

to meet several very old gentlemen who remembered Dr. Johnson nightly at the Cheshire Cheese; and they have told me, what is not generally known, that the Doctor, whilst living in the Temple, always went to the Mitre or the Essex Head; but when he removed to Gough-square and Bolt-court, he was a constant visitor at the Cheshire Cheese, because nothing but a hurricane would have induced him to cross Fleet-street.

All round this neighbourhood, if you want to rent a room or an office, you are sure to be told that it was once the residence of either Dr. Johnson or Oliver Goldsmith! Be that as it may, it is an interesting locality, and a pleasing sign—"The Old Cheshire-Cheese Tavern," Wine-office-court, Fleet-street.

Having thus stated the motives which induced me to dedicate this volume as I have done, I trust that upon perusal it will be found acceptable, and a source of some amusement to the public generally. Should it prove so, one wish of the Author will have been gratified.

7 THANET PLACE, TEMPLE,
November 1867.

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THE LAW,

ETC.

CHAPTER I.

Sir James Scarlett; his fees, his opinion of tradesmen, his hilarity in court upon snatching a verdict by the production of a letter —Mr. Serjeant Wilde gaining a verdict by a needle—How the bankruptcy was formerly administered—The piety of the late Mr. Clark, Q.C.—A barrister and a musical instrument—A circuit dinner.

MR. SCARLETT was undoubtedly one of the greatest advocates at Nisi Prius that ever practised at the Common-Law Bar. Although a native of the West Indies, he had, in his hale and cheerful appearance and in his bland manners, the look of an English country gentleman, but not that of a lawyer. He was always particularly well-dressed. In his character as an advocate his voice poured forth a stream of language and argument which, whilst it afforded to the listeners exquisite delight, appeared to come from him without labour or exertion. His examination and manner of address to the jury were well known, and perfect in all their essentials.

He had a horror of a cause which created much

interest in or out of court. I recollect that in an action of Cox against the celebrated Edmund Kean the tragedian for *crim. con.*, he stated in consultation that although he had received a large fee, he should have been better pleased had he not been engaged in it. Whether he thought the audience expected too much from him or not, I cannot say; but I am sure that he had a greater preference for ordinary Nisi-Prius causes than for those of an exciting character.

It always struck an attorney at consultation with astonishment, how Mr. Scarlett appeared to know every thing, whatever the topic or point might be, and how he would declare in what way the cause would turn. A gentleman at the bar, in allusion to these characteristic traits of Mr. Scarlett, said: "I was often his junior on the Northern Circuit, and always differed from him in consultation; but it always turned out that he was right, and I was wrong; for all the Bar must concede that he had a perfect knowledge of human nature." I remember that at a consultation where he had a large fee from a tradesman on his brief, he raised several objections, all of which the tradesman's attorney said he could get over. After the attorney and his client were gone, he stood with his back to the fire, and addressing the junior counsel, said: "All tradesmen are rogues." The junior counsel said, "Not all, Mr. Scarlett." "All," was the response; "I have had more to do with them than any class of men that ever lived, and I know them well."

I recollect, after he was created Chief Baron of

the Exchequer, his taking his turn of sitting at Judges' Chambers—the only time that he was called upon to officiate there. Different were the opinions of the Common-Law clerks as to how he would succeed at Chambers; but all doubts were set at rest when it was found, upon the first day of his sitting there, how easily he managed the multifarious business before him; every one afterwards agreeing that he was not only one of the most efficient Judges that ever presided at Chambers, but that he got through the summonses in half the time taken by most other Judges.

Whilst the present Courts of Law at Westminster Hall were in course of erection, I recollect being one day at the Sessions House at Westminster, in company with my friend Sydney Taylor the elder, of the *Morning Herald*, when Mr. Scarlett was concerned for a poor woman who had brought an action for a cruel illegal distress against a rich landlord; and to our astonishment the trial lasted until half-past eight o'clock at night. He evidently was pricked, but he obtained the verdict, upon which being delivered, he turned round to Mr. Taylor and myself, and said, "I have done all this for four guineas." And here let me inquire what leading counsel of the present day would go and do likewise. Just before the verdict was returned (after some deliberation by the jury), a poor barrister, not very clean either in his attire or hands, observing how exhausted Sir James appeared to be through his exertions, offered him a sandwich out of a dirty piece of paper. Sir James, who was a very proud man, instead of thank-

ing the poor gentleman for the act of attention, gave him a contemptuous look, without deigning to speak a word to him.

Many years ago I was concerned for a gentleman of the name of Thompson, who, after making a small fortune in South America, returned to England, under the advice of his medical attendant, for the restoration of his health. He remained for a short time in London; but the physician under whose care he had placed himself recommended him, as the best chance of recovery, to take the waters at Cheltenham. He followed the advice, and soon got better both in health and spirits. One morning, on his way to the wells, he saw a piece of ground which was to be sold for building on. He consulted me about the purchase; and it became necessary that, as I resided in London, I should employ a Cheltenham solicitor as my correspondent in the matter, and I selected a gentleman named Kelly for that purpose. After the purchase Thompson sold some portion of the ground to a builder; but his health again declining, he requested me, in a very kind letter, to send my bill of costs to him, which I did; first taking the precaution to write to Mr. Kelly to know whether I should incorporate his charges in my bill, or whether he would send them in himself to Mr. Thompson. His reply was in these laconic words: "DEAR JAY,—Leave my little Tomsey to me; I will stick it into him." My bill therefore went in without his charges. Thompson failed; and to my astonishment a young gentleman called one morning at my chambers and

stated that he had got a writ against me, at the suit of Mr. Kelly, for 26*l.* for services done by him through my instructions. A declaration came, and notice of trial soon followed. I prepared my briefs, and delivered one of them to Mr. Scarlett. The day the cause came on I took down to the court my letter-book, containing the copy of the letter I had written to Kelly, and the clerk who had posted it. I sat opposite to Scarlett, and saw him reading the brief, as it was the next cause. While reading it he laughed very heartily, no doubt when he came to Kelly's letter. He looked about for me, which I observing, went up to him; upon which he said in a whisper, "All I request of you, Mr. Jay, is to keep yourself quiet." Mr. Taunton, Queen's Counsel, who was against me, after describing the cause as an undefended one, put in all my letters to Kelly. It was amusing to observe how Scarlett enjoyed the proceedings; and when he came to the reading of Kelly's letter to me, his countenance assumed the highest degree of animation. He not only in his speech made the jury, the Bar, and the audience laugh, but Lord Tenderden shook his sides with laughter; whilst Scarlett, flourishing about Kelly's letter, shouted several times in a tone of merriment, "Leave little Tomsey to me; I will stick it into him." Of course I got the verdict.

It is, however, a great mistake to suppose that the most eloquent is the most successful advocate. The late Sir James Scarlett, who on all hands must be admitted to have been the first advocate of his

time, had not by any means recognised claims to eloquence. His style was colloquial; he *talked-over* the jury, never bullied, or attempted, like his great antagonist Mr. Brougham, to wring verdicts, and force them, reluctant and terrified, to do his bidding. His bearing towards them was bland and respectful; he took care never to alarm with the fury of rhetoric. But I was present on two occasions in court when he made two of the most eloquent speeches I have ever heard. The first was made in the presence of the Duke of Wellington and a number of noblemen, in defence of the late Mr. Banks, who had been member for the University of Cambridge. The other was in the case of Major Cartwright, who was on the floor of the court prior to his receiving sentence, after having been found guilty of conspiracy. The major was a very old man; and Sir James Scarlett urged with the greatest pathos that the sentence might be imprisonment rather than a fine, as the major had an only daughter, having barely sufficient for her support. Sir James Scarlett, on the other hand, had received a letter from the daughter, begging that he would recommend the infliction of a fine rather than the imprisonment of her aged father. The reader will easily imagine how such a matter would be handled by so mighty a man as Sir James Scarlett. The Judges and the whole court appeared deeply affected.

I have been told by a gentleman, that, while at home in the midst of his young children, when Sir James read his briefs, he was so absorbed, that

their laughing and joyous play never interrupted him. The same gentleman informed me that Sir James paid all his tradesmen's bills himself once a week.

The late Lord Truro, then Mr. Serjeant Wilde, was once concerned for the County Insurance Company in resisting a fraudulent demand made by a Jew furrier for the amount of his insurance on his house and stock, which had been destroyed by fire. The cause was looking very healthy for the Jew, the Serjeant having been able to do very little for the Company in the cross-examination of the Hebrew witnesses, who swore that there were fifty real sable muffs in boxes in the shop; until the plaintiff's counsel called as a witness a nice-looking girl, who, after stating that she had been in the Jew's employment in the shop for two or three years, was asked every possible question except about the muffs, which constituted the chief part of the Jew's claim for the value of the stock destroyed. The Serjeant observing this, kindly asked her in his cross-examination what had been the nature of her employment in the shop. "To sew-in linings to the muffs and other articles," was her reply. Then, continuing his kind mode of interrogation, he said, "So you mean to say there was not a sable muff in one of the fifty boxes; how do you know that fact?" inquired the Serjeant. She answered, "Having been called away, I stuck my large needle hastily into one of the boxes. On my return, finding that the needle had slipped through

into the box, I pulled the lid off, and saw to my surprise that there was no muff in it." "And how," inquired the Serjeant, "did you know about the contents of the other boxes?" "O, sir," said the girl, "I had the curiosity, whilst all the shop-people were gone to dinner, to open the next, and the next, and the next, and in succession the whole of the boxes, and not a muff was there in any of them." This evidence came upon the court with so much surprise that the Judge said to the plaintiff's counsel, "Surely you will not go on with this cause after such evidence?" The Jew's counsel, finding that he was in a nonplus, submitted to a nonsuit, very much to the gratification of the Serjeant.

Serjeant Wilde was one of the most amiable and kindest men it has been my good fortune to meet with. I knew a great deal of him, from living opposite his chambers in Serjeant's Inn. How often have I heard his carriage at five o'clock on a winter's morning drive up to his chambers prior to his going to Westminster Hall! The art of early rising and reading briefs seems lost in the present age.

I once went with a client, a half-pay captain, to negotiate for the renting of a cottage and garden on the Serjeant's estate in Middlesex. The captain wanted it for 10*l.* less than the house-agent asked, and, in consequence, applied direct to the Serjeant, who behaved most kindly, telling him he had better come down to Westminster Hall, and take his chance of seeing him. On our way the captain said, "I am sure I shall succeed; he is such a liberal and kind

man." The Serjeant, who was in full forensic costume, beckoned him into Westminster Hall, and angrily said, "I cannot be interrupted with the letting of a house while I am professionally engaged." The half-pay captain immediately replied, "I will call on you at your chambers, as I am afraid of you with your wig on—you look so fierce and angry." This so much amused and pleased the Serjeant, that he said, ".You may have the house on your own terms;" much to the surprise and no less gratification of the new tenant.

Few of the profession know any thing of the Bankruptcy Law as it was administered at the time I entered the profession. There were fourteen lists of commissioners, having five names in each list, besides a list of five *qui tam* commissioners. The late Earl Eldon was formally one of the commissioners. They always held their sittings at the Guildhall, or in adjoining rooms, and were seated at separate tables, with their hats usually on their heads. The noise and uproar of the meetings before the commissioners resembled a bear-garden rather than a place where justice had to be administered, the course of which was often interrupted by a stand-up fight between some of the opposing parties. It was here that the late Lord Truro, then Mr. Wilde, an attorney, carried every thing before him. Notwithstanding this, Mr. Basil Montague, a commissioner in one of the lists, had the next best business to him. The late Lord Truro, had he been a favourite

of Lord Eldon, which he was not, might have been appointed one of the commissioners; but fortunately for his future prosperous career, he went to the Bar. Looking through the list of commissioners, which now lies before me, it would be difficult to say how they obtained their appointments, unless it was through politics and the friendship of Lord Eldon.

But the appointment of many of these commissioners as police-magistrates was highly objectionable, interfering, as it necessarily did, with their other duties, and thereby rendering the course of justice disgraceful. I had occasion one day to be present before one of the commissioners on the list, when a person of the name of Pitt was declared a bankrupt: he came from the same part of the country as Joseph Pitt, an attorney of Cirencester, who returned six or seven members to Parliament; and although he bore the same Christian name as the borough-monger, he was called Fooley Pitt, in opposition to the acuteness of his namesake. I saw the bankrupt under examination before one of the commissioners, a man noted for his rough and disagreeable manners. This commissioner, taking hold of Pitt's balance-sheet and perusing it, said to him in a harsh voice, "Attend, bankrupt! Did you lend your sister 60*l.*?" "Of course." "Did you, bankrupt, pay 40*l.* for opening the cesspool?" "Of course." "Did you, bankrupt, advance 100*l.* to the local paper of your town?" "Of course." The commissioner, in a rage at these replies, started up from his seat, pulled off his hat, and said, "Let me

tell you, bankrupt, that every thing is not of course." "Of course not," was the rejoinder. The bankrupt's reply caused a shout of laughter in court, to the discomfiture of the commissioner, who desisted from asking him another question.

The bankrupt's solicitor advised him not to cause a dividend to be declared, but to exhaust all the estate in law, for at that time the solicitor to the commission was the sole acting manager of the bankrupt's estate, the trade assignee being his friend, creature, and client. Fooley Pitt would not, however, listen to the advice, but insisted on having a dividend declared. At last the *Gazette* came out, declaring a dividend of fourpence in the pound under the estate of Joseph Pitt. From that day he lost the name of Fooley Pitt, and went under that of Fourpenny Pitt.

The last commission which I opened under the then Bankruptcy Law was for a Mr. Richard Turner, the then well-known blacking manufacturer of Blackfriars Road. The commissioners adjudicating upon this bankruptcy were in the No. 1 List; and to my astonishment I saw sitting amongst them on the bench *two Whigs*, Mr. Macaulay (afterwards Lord Macaulay), the great historian, and the Hon. James Abercrombie (afterwards the Speaker of the House of Commons), who, upon his retirement from that high position, was created Lord Dunfermline. Mr. Turner, although in great difficulties, had, prior to the docquet being struck against him, contrived to keep a balance of 300*l.* at his banker's—a sum which he would never touch. To satisfy the pressing de-

mands continually made upon him, he drew cheques for sums above this amount, which, of course, were never paid. A cunning printer, knowing the state of Turner's affairs, and that he contemplated going into the *Gazette*, easily coaxed out of him a cheque for 500*l.*, the amount of his bill; Turner knowing that as he had not that amount in the bank, it would not be paid. The printer, having learnt from his son, who was a clerk in the bank, that he had 300*l.* there, took 200*l.* of his own money and paid it in to the credit of Mr. Turner's account. He then produced the 500*l.* cheque, which was duly paid; so that he got Turner's 300*l.* and his own 200*l.* This occurrence, though he was dying gradually, was the more immediate cause of his death.

When the bankrupt appeared before the commissioners, his accounts were in such a muddled state that he never could have hoped to have passed. Upon the day appointed for his last examination, he was so feeble that he had to be assisted out of a hackney-coach, and was led, supported, before the commissioners, Macaulay and Abercrombie. I said: "Gentlemen, the bankrupt can never make out a better balance-sheet than that which he has filed. You see his condition, and that he is dying. May I urge upon your humane consideration that you had better pass him." The commissioners listened to my appeal, and kindly passed his accounts; an act which revived him for a minute or two, but in a few minutes after leaving the court he expired.

The late Mr. Clark, Q. C., who was for many years the leader of the Midland Circuit, and whose son (afterwards a serjeant-at-law) went the same circuit, made an appointment with an attorney, who had a heavy cause standing No. 2 in the paper for a Monday, for a consultation on the Sunday. The attorney punctually attended at the appointed time at Mr. Clark's lodgings; but Mr. Clark junior did not make his appearance. Mr. Clark senior, after a few questions had been put to him by the attorney, inquired of him, "Where is my son?" The reply to which was, "I think he is gone to the cathedral with the Judges." No sooner had the attorney uttered these words than the son entered the room; upon which the father, looking angrily at the attorney, said, in a snappish manner, to him, "Mind, sir, you do not in future libel my son. Do you suppose he would neglect his professional duty to go to church?" I should here mention that the late Lord Abinger, whilst practising at the bar, would not allow his son to go the same circuit; and very properly so, for this skilful advocate was well aware that many cunning attorneys, in order to secure the attention of the leader to their cases, as well as to please him, would employ the son, whether possessed of talent or not.

The same Mr. Clark was a bencher of Lincoln's-inn, and a constant diner, in term, at the Hall. It was in this Inn of Court that an interesting young Jew, of large property, applied to be admitted a student. The question of admission was debated in the council-room before the benchers. After much

discussion, the majority were in favour of his being received; but it was found that the law prevented it. The young gentleman, being called before them, was informed by the treasurer of the result of the deliberation of the benchers, and that they had no power to make him a student. On hearing which, he, after thanking them for their kindness, left the room. Upon his departure a dead silence for a few minutes ensued, which was broken by Mr. Clark, holding a glass of port wine before his mouth, and exclaiming, before he drank it, much to the hilarity of the benchers, "Why does he not take the oath of a Christian, and be damned to him!"

The late Mr. —— was a barrister of great knowledge in his profession, and a classical scholar, but unfortunately allowed disappointments to prey on his mind, for which he sought solace in drink. At the assizes for Chelmsford two rural attorneys, by agreement, appointed a joint consultation with him for the defence of two tradesmen charged with having dealt in stolen goods. One of the attorneys had had a previous consultation; and the circumstances of both cases being the same, this attorney introduced his friend, and told Mr. —— that he had suggested to him the joint consultation, that their defences might not clash. "O yes," said Mr. —— (who had a glass of brandy-and-water before him, evidently not his first), "I recollect; but you did not tell me whether I was for the prosecution or for the prisoner." "For the defence," said the attorney, much surprised. "You

said I was for the crown," retorted Mr. ——. "Have you read your brief, sir?" was the reply. "Confound your brief, sir!" said Mr. ——, looking at it upside down; "am I for the crown or the prisoner? tell me that!" and suddenly turning to the second attorney, said, "What is your client?" "A musical instrument maker, and he exchanged a banjo for some of the goods said to be stolen." "O," said Mr. ——, "you have told me quite enough; I don't want to hear any more about it. He is guilty; that d—d banjo will convict him. A banjo" (sipping his brandy-and-water, and his voice apparently failing him) "is always fatal."

It is but fair to Mr. —— to say that at the trial he defended both prisoners with his usual ability, and procured their acquittal.

Every barrister is aware that whenever a counsel is raised to the bench, the circuit gives him a dinner, and that the chair is occupied by the senior counsel on the circuit. When Mr. Serjeant Byles was made a Judge of the Common Pleas in a court in which he had so long and ably practised, the late Mr. Prendergast, Q.C., was in the chair; and very competent he was to fill it. It so happened that the Judge of the Suffolk County Courts, a man not only deaf but ignorant of the law, had died a few months before Mr. Serjeant Byles' elevation, and that Lord Cranworth had appointed in his stead Mr. Worledge, a very able lawyer on the Norfolk Circuit, and who had been a fellow of Trinity College, Cambridge.

The chairman, after giving the health of Mr. Justice Byles and of Sir Fitzroy Kelly, who had formerly been on the Norfolk Circuit, but had left it, proposed as a toast, "The health of Mr. Worledge, who has lately introduced the law of England into Suffolk." Roars of laughter followed this happy hit. These are glorious dinners, and free from sham regrets; for the circuit, on every such occasion, know that they have for ever lost a barrister who had all the business.

CHAPTER II.

The late Mr. Serjeant Wilkins usher in a school—The abstraction of a barrister—A dedication—A Welsh M.P. and an Old Bailey dinner—Charles Phillips' reproof of a City alderman—The ballot-box at a Bar dinner—A dirty barrister and toast—A barrister in the beer line—A junior in court acting in court as substitute for a Q.C., and the result—How briefs can be manufactured.

SERJEANT WILKINS was an extremely witty, facetious, and social companion. I recollect his relating with much humour the following story:—"I was," said he, "in early life an usher in a school in Oxfordshire. Some strolling players, who arrived in a small town where I was located, had distributed in every possible direction handbills announcing their intention to give theatrical performances for a certain number of nights. Among their corps was a large-built Yorkshireman, who possessed an infinite fund of low humour. I wished much to become acquainted with this man and the leading members of the strolling company; for from my youth upwards I had always been very fond of theatricals. Though I could ill afford it, being much straitened in my circumstances, I thought that the best plan to introduce myself to the players would be to invite them to a dinner at the principal inn of the town. The invitation was most readily accepted. After dinner, I

ordered some excellent wine; and many were the jokes uttered and laughable stories narrated in succession. Whilst we were sitting over our wine, one of the pupils from the school brought me a note, which occasioned me to leave the room to speak to him. Through the folding-door I could overhear every thing that was said. I heard the big Yorkshireman call out in a strong Yorkshire accent: 'Fill up your glasses, gentlemen, in a bumper; the time has arrived to drink the health of the *flat*.' On my return to the room, full of mortification at the toast, its proposer thus addressed me: 'Mr. Wilkins, during your temporary absence, it has afforded us indescribable pleasure to drink your health, and to wish you happiness and long life.' I immediately seized the decanter, and pouring out the last glass of wine, I hastily swallowed it, preparatory to my returning thanks, which was in these few words: 'I am much obliged to you all for drinking my health, and wishing me happiness and a long life; but you have almost performed a miracle by changing my disposition in an instant from that of a flat to that of a sharp!' I then rang the bell, and told the waiter to turn the scoundrels out of the house, and make them pay for their own dinner — a result," he added, "not very likely to come to pass."

Being professionally engaged many years since on the Norfolk Circuit in a matter of considerable importance, in which my friend Mr. P. was one of the counsel for my client, that gentleman and

myself made a call upon Mr. Hunt of Cambridge, a Fellow of King's College and Recorder of Tamworth. We found this gentleman pondering over an immense brief in an abstruse case arising out of a disagreement about a party-wall; but upon his observing Mr. P., he appeared highly delighted at the opportunity which his presence afforded of asking him several knotty questions upon points connected with the case. I observed that my friend was more intent upon admiring the beautiful architecture of King's College Chapel, which was to be seen from Mr. Hunt's chambers, than in listening to the brick and mortar case. After question upon question had been put to Mr. P., to each of which no answer was returned, except now and then the monosyllabic "yes," Hunt losing all patience, and with it all temper, exclaimed, "What a d—d power of abstraction you possess! You are not aware that I have been talking to you for the last half-hour." P., rubbing his forehead, laughed; but his countenance soon assumed a gloomy aspect; for whilst about leaving Mr. Hunt's rooms, that gentleman opened his bedroom door and showed my friend, who was a very nervous man, his coffin, which was always kept under his bed. What affected Mr. P. the more was, that some kind medical man told him that he had the heart-complaint, and would die suddenly; and this prophecy came to pass, for he departed this life early on a Sunday morning, in the afternoon of which day I had been invited to dine with him.

The above party-wall case reminds me of the following anecdote, which was related to me by a barrister lately deceased, upon whose veracity I can rely. A very eminent pleader, who had not pluck or nerve enough to go to the Bar, wrote an able and exhaustive book upon the attractive subject of party-walls, and dedicated it, in a well-written preface, to a Judge whom he never knew. Early one morning, when the pleader was not in very good health, a loud knock was heard at the door; and the clerk, after announcing that Mr. Justice —— wished to see him, said—full of delight at having so great a man at the chambers—"My lord, will you condescend to walk in?" He did so, when, to his astonishment and that of the clerk, they found the pleader had fainted away; but, by means of sprinkling cold water over his face, he recovered. The Judge then thanked him for having dedicated so able a work to him. Upon his lordship's departure, the pleader, by merely casting his eyes over the numerous declarations, pleas, &c. which were strewed on the table before him, soon recovered his composure of mind.

Serjeant Wilkins seldom dined at the Old Bailey dinners; he used to say that the clashing of chains did not coincide with his idea of a pleasant accompaniment to the rattling of knives and forks, and that this impression interfered with his enjoyment on those occasions. Charles Phillips and Mr. Alley never dined until after the three-o'clock dinner was at an end, when they generally adjourned to the London

Tavern, in company with Mr. Shelton, the Clerk of the Arraigns. Formerly there were at each of the Old Bailey sessions two dinners; one at three, and the other at five o'clock in the afternoon. The Recorder usually dined at the three-o'clock dinner, because the London jury in the Old Court was taken at five o'clock, being the time when the Judges and some members of the Bar were dining upstairs. I remember once dining at the Old Bailey with Charles Phillips, in company with four other barristers, a Welsh county member, and a Mr. Alderman Lucas, then on the court of the Vintners' Company. The dinner and novelty of the place pleased the Welsh county gentleman to such a degree that he said, just as we were about going, "Gentlemen, I shall be glad to see all of you at my seat in Wales, and entertain you there right joyfully for a week." He pointed out the way to arrive at his seat: first to Gloucester, and after reaching that city, then to several Welsh towns; for at that time there was only a railway to Gloucester. Mr. Alderman Lucas obsequiously said to the Welsh M.P., "Will you favour me by dining with me to-morrow at the Vintners' Company? You will have an excellent dinner, and first-class wine." The invitation being accepted, my friend Charles Phillips said, "What a difference there is between an alderman of London and a county gentleman! The latter would have invited the whole of us, and pointed out the way to reach his house; while you, an alderman of the famous city of London, have only invited him." Upon which the alderman replied, "I

would have invited you all if I had lived such a d—d long way off as he does."

I remember being in the company of the late Charles Phillips, the Insolvent Commissioner, when I incidentally mentioned that I had just returned from Liverpool, and that I thought it a very nice town. "Do not mention the place," he said to me, "for I have a perfect horror of it." There were two reasons why he disliked Liverpool. One was, that he had a tremendous quarrel with Mr. Skirrow, who was the Co-commissioner in Bankruptcy there; and the other was, that he lost his son in the town—a very promising and handsome youth; and from this shock he never recovered. These reasons doubtless induced him to procure, through the influence of Lord Brougham and Lord Lyndhurst, his removal from Liverpool as a Bankruptcy Commissioner, to Portugal-street as an Insolvency Commissioner, although he lost 300*l.* by the transfer.

One day, in conversation, he told me that he once dined at a club at Liverpool the chairman of which had the privilege of inviting one friend, who was himself. All the members were present; and although the dinner was an excellent one, they soon, one after the other, deserted the table for their respective country-houses in the neighbourhood of the town, leaving himself alone with the chairman, who said, "My friend, you have heard how they have all talked about their pleasure-grounds, their hot-houses, the growth of their early peaches, &c.; but you

would little suspect, from their conversation, that most of them have been in the Gazette—some more than once. But they have all been successful again, somehow or another." The commissioner recollected one of these gentlemen having afterwards appeared before him at Liverpool as a bankrupt, and being a kind-hearted man, felt for him. He happened one day to be looking into a large carpet-shop in the principal street of the town, when he felt a tap on the back, and on looking round beheld the bankrupt, who had started afresh. The fellow had the impudence to say, "Phillips, I wish you would walk in here and choose for me a Turkey carpet." Phillips, disgusted at the man's assurance, returned no answer, and walked on. When I related this circumstance to Mr. Serjeant Wilkins, he said, "I have the same horror of the place, and I never entered into it without having a fit;" and strange to say that, on the last circuit the Serjeant ever went, he was seized with a fit at Liverpool, from which he never recovered.

The wit of both the Bar and the Bench is very often feeble in court; but I have heard that it is not so at the dinners on circuit. Although there is a great deal of ill-feeling at the Bar, arising principally from envy, it is astonishing what a good dinner and good wine will effect. When an objection arises to any counsel who wishes to belong to a circuit, there is always some good-natured Queen's Counsel to propose, and some junior to second, the

admission, which is sure to be granted. It happened on one of the circuits that a most respectable young man, who was a Jew, through being mistaken for a person of the same name, was blackballed. The next circuit he was again proposed, and it was stated that he was not the individual he was taken for, but that he had been at the university, and was a gentleman of some status in society. Before the ballot-box went round, a barrister, who desired that the candidate should be admitted, turned round to a young gentleman who had just been called to the Bar, and who by his personal appearance was evidently the son of a county gentleman, and after explaining to him how it was that the young Hebrew had not been admitted, asked him to vote for the Jew. Putting his hands carelessly in his trousers'-pocket, he said, "I shall do no such thing."—"Why not?"—"Well," said the young gentleman, "there are many Jews upon the mess already; and if we admit any more we shall have no pork, of which I am very fond; so I shall blackball him."

On the same day, a barrister of some standing, noted for being shabbily dressed, and for wearing dirty linen and having dirty hands and dirty nails, was one of the guests at this mess-table. A young facetious barrister, who had an unmistakably champagne-looking face, proposed a toast, coupling the name of the dirty gentleman with "Baths and Wash-houses." Roars of laughter followed, which were renewed when the gentleman whose health had been

drunk rose and thanked the company for the honour done him, but gravely stated that that honour was quite unexpected, as he could not imagine what connection his friend who proposed the toast had discovered between himself and baths and washhouses. When the young barrister was returning to his lodgings, a friend present who accompanied him said, "Do you see any wit in your toast?" "I certainly did," was the reply; "it was merely a hit at Mr. ——'s dirty clothes, dirty linen, dirty hands, and dirty appearance."

A Welsh judge, famous both for his neglect of personal cleanliness and his insatiable desire for place, was once addressed by Mr. Jekyll: "My dear sir, as you have asked the minister for every thing else, why have you not asked him for a piece of soap and a nail-brush?"

A barrister who for many years prior to his being called to the Bar had been an attorney, had a very low practice as counsel, being in what the Bar term the beer-line. Three barristers, all of whom had been Fellows of Colleges, but without practice, observing this counsel rise up in court to make some ridiculous motion, one of them turned round to the others and said, "The moment this barrister begins speaking, the ink-stands become pewter pots, and the pens pipes."

A poor illiterate and timid barrister—qualities

frequently united—having started on his feet to make a motion, overheard, to his great dismay, the following conversation between one of the leaders of the court and a serjeant-at-law: "Who is this counsel?" said the leader. "I do not know any thing about him," responded the serjeant, "except that he was formerly a writer on coffin-plates."

A Queen's Counsel, being unable to attend a cause for a client in a particular court, handed over his brief to a junior counsel to conduct it, which he most readily agreed to do. About two hours afterwards, the Queen's Counsel, having met the junior counsel, inquired of him how he got on with the case. "Got on!" replied he. "Why, the bill of exchange is impounded. The witnesses are ordered not to leave the court, and instructions are to be sent to the Law Institution to move to strike the attorney off the Rolls. In my hurry to get out of the court to hide my shame and vexation, I lost my watch; but I had pluck enough to tell the Judge, before I left the court, that it was not my brief, but yours."

One morning I met an attorney at the Master's Office, taxing the costs of an action for breach of promise of marriage, and I was astonished at the size of his briefs. A month afterwards I met him going to tax costs in another action, with briefs equally as long. I asked him how he could make his briefs so bulky. "Easily enough," he said. "I have no library—keep only one clerk, who is a boy,

and possess only one book, which is *Napier's History of the Peninsular War*. I draw a fair brief of eight sheets, comprising the whole of the facts of the case. I then give *Napier's History of the Peninsular War* to the boy to copy, telling him not to leave off till I give him instructions so to do. When I find there are sheets enough, I tack them to the eight sheets: but I never got beyond Saragosa."

CHAPTER III.

No law without music—A serjeant perched on the seat of justice—A German Jew at the Mansion House as a defendant, and afterwards at the Sheriff's Court as a plaintiff—An ignorant appeal by an attorney—A pious father—Sir Creswell Creswell as counsel and judge.

ONE of the Judges having been taken ill at an assize town directed the under-sheriff to be the bearer of a message from him to a serjeant whose name was in the commission, requesting him to preside for him in court on the following day—a message which was duly delivered. The under-sheriff finding at the time for the opening of the court on the following day that the serjeant had not made his appearance, immediately proceeded to his lodgings in his carriage, and informed him that the Bar were waiting for his presence. The serjeant promptly replied, "Where are the trumpets? I shall not go to the court without them."

How different was the conduct of another serjeant on a like occasion! He, all anxiety to act the part of a Judge at an assize town, was, through the kindness of one of the Judges on the circuit, allowed an opportunity of satisfying his vanity. He, without calling

into requisition the ceremony of any kind, made his way to the court on foot, and there, perched on the seat of justice, with his scarlet robes, with pen in hand, he frequently looked down on the counsel below—many of whom had a provoking smile on their countenances—as if to draw attention to his dignified position. Early on the following morning the serjeant, self-satisfied with his previous day's performance as a judicial functionary, tapped at the lodgings of the Judge, but finding that his lordship had not arisen from his bed—for it was at the early hour of seven o'clock in the morning—he, in order not to throw a chance away, sent up to him a message through his (the Judge's) clerk, stating that he (the serjeant) would esteem it a great act of kindness if his lordship would allow him to sit again in the Criminal Court, as it would please his wife and family. But the answer returned, much to his mortification, was that his services would not be required. One of the prisoners who had been tried and convicted before the serjeant said to the jailor, "I do not complain of the sentence, but I should liked to have been tried before a real Judge."

Although this serjeant, unlike the other one, did not require trumpeters to escort him to the court, yet ever after the time he had acted the part of Judge he was his own trumpeter upon all occasions whenever he met a friend or client.

I happened to be one day at the Mansion House, when the foresaid serjeant, prior to his obtaining that dignity, was attending to prosecute a short

German Jew, whose nose looked like an oak-apple. When the prisoner was placed at the bar, our friend the embryo serjeant thus commenced addressing the bench in a loud slow voice: "My lord, the pris-o-ner at the bar has been com-mit-ting a se-ri-es of frauds." To the surprise of the Lord Mayor, the prisoner exclaimed, "Your *late* lordship decided that it was a debt, and not a felony!" The clerk of the court recollected his having been brought up at the Mansion House a year before, when a different Lord Mayor presided. The prisoner, who had quite forgotten the name of the magistrate, kept on repeating, to the merriment of the whole court, "Your *late* lordship." Although he was on the former occasion discharged, he was on this occasion committed for trial; and the counsel for the prosecution was the same who had appeared against him at the Mansion House. He was found guilty of the charge, and sentenced to an imprisonment of some months with hard labour.

After the liberation of the German Jew from prison, I had occasion to attend at the Sheriff's Court, when, to my astonishment, I found that he was sustaining the character of the plaintiff, and employing as his counsel his late antagonist at the Central Criminal Court. On the side of the defendant was the late Mr. Serjeant Wilkins, then Mr. Wilkins. The cause, principally through the enormous lying, swearing, irrelevant questions, and continual interruption of the plaintiff's counsel on the cross-examination of his witnesses, had lasted a great portion of the day. I observed that Mr.

Wilkins, with whom I was on terms of intimacy, seemed tired and disgusted by the length of time the trumpery cause had lasted. After looking up at the clock, and handing over his brief to a novice of a counsel, he thus addressed the under-sheriff: "Sir, I must go to the House of Lords;" upon which the Jew's new ally said, "I wish there was a House of Ladies!"—a remark which tickled the fancy of the jury; but not that of Wilkins, who was so irritated at the attempt at wit, that he returned back to his seat, leaving the case in the House of Lords with the other counsel with whom he was associated, and, in his address to the jury, gave the Jew's advocate pepper in his best style, and gained a verdict, much to the discomfiture of the Jew and his counsel. I should not omit to state that whilst Wilkins was cross-examining one of the plaintiff's witnesses, a stranger tapped him on the shoulder, and whispering in his ear, said, "Ask the witness whether he is not a Jew?" "Why, you scoundrel, you are one!" "But it will prejudice the jury, sir," was the reply.

I recollect being one day at the chambers of a large firm in the city, and whilst in conversation with one of the partners, a clerk announced the name of a roguish and ignorant attorney who had been requested to attend there on a matter of business. The gentleman having asked me whether I knew him, I replied, "Very well by repute, which does not speak very favourably of him." The attorney having been ordered upstairs, the respectable solicitor, who wished

me to remain in the room, pointed out to him two or three instances of gross perjury he had committed in a proceeding in bankruptcy; and so plain was the fact, that no jury could have hesitated in finding him guilty. The man was momentarily speechless; but recovering himself, he addressed his accuser thus: "Sir, you must know that I have a family of eleven children." The ignorant appeal was successful.

I was acquainted with an attorney who was in good practice in a large town in one of the midland counties. His father, who had retired from business to a small town about ten miles off, was very religious and very rich. One Sunday morning it so happened that the son met his father and mother on their way to the chapel where they regularly attended. The father said: "My son, I am highly delighted, and so is your dear mother, that you are going to hear our good man preach. You will be highly pleased with him." Whilst this conversation was going on, a tall friend of the son came up, and familiarly addressing him by his Christian name, said, before his father, "I have got the bar open, so that we can have brandy-and-water whenever we want it." The friend, observing the solemn countenance of the father, beat a hasty retreat. When he was gone, the father put up both his hands, and said: "My son, I could not have believed this of you; look at your poor mother, and observe how she feels your wickedness." After a minute of dead silence the father said: "Who is that sad companion of yours?" "Well, father, if I

must tell you, he is my best client, and the richest man in our town." The old gentleman thereupon slapped his son on the side and said, "Stick to him, and never leave him."

Although the late Sir Creswell Creswell was a most impartial Judge at Chambers, yet he was not generally liked by professional men attending there, from a certain superciliousness of manner which it was his wont to exhibit towards them. I remember being concerned for a defendant in a heavy mercantile case, and employing as counsel a barrister of great ability, towards whom the late Judge of the Probate Court felt an unconquerable aversion. In this cause, a special-jury one, the late Judge (then Queen's Counsel) was retained by the plaintiff as the leading counsel; but on his being informed in consultation who was the counsel on the other side, he glanced contemptuously at the plaintiff's attorney, and when the cause was called on, turned round to him and said: "Withdraw the record; I will pay all the costs of the day myself: I have my reasons." It was done; and there being many witnesses, some of whom came from a long distance, the costs were taxed at nearly 100*l.*; and the amount was paid to me without a murmur.

Shortly after this occurrence Sir Creswell had been made a Judge of the Common Pleas, and I had to attend before him at Chambers on a summons which had been taken out to tax a bill of costs of mine in certain common law matters which had

been long ago settled. I thought he would recollect me, and was not deceived. The gentleman on the other side, who was not a little conceited, thus addressed the Judge, in a lisping tone: "My lord, I am attending this summons for the taxation of Mr. Jay's bill; but I only practise in conveyancing, and do not care for, nor do I know any thing of, common law." The Judge immediately pounced upon the applicant, and said: "How dare you intrude yourself into my presence if you know nothing of common law?" and immediately dismissed the summons with costs, to my satisfaction and to the discomfiture of the conceited applicant.

A large proportion of the Bar is composed of sons and relatives of solicitors. "The Bar is thus degraded," cry some. We cannot think so. The solicitors of the present day, as a body, take rank (we mean social rank) with the Bar as a body. The Bar, indeed, occupies—and rightly—a higher position in the eyes of the public; it is, for the most part, deeply learned; but as society does not recognise the distinctions observed in Westminster-hall, nor hold a silk gownsman more worthy of her favours than a stuff gownsman, or a stuff gownsman than a solicitor, no such degradation can possibly exist.

I was on one occasion at the Court of Common Pleas sitting in Banco, when a point of law was in course of being argued. I soon discovered, from Sir Creswell Creswell's mood, and manner of putting

sundry questions to a Queen's Counsel then addressing the court, that his lordship entertained a strong prejudice against the learned gentleman; but he, determined not to be thrown out of his line of argument, stood his ground manfully, and affected not to know that his lordship was addressing him. At last he could not help taking notice of a question which his lordship put to him, which he did in these words: "My lord, I did not know that you were addressing yourself to me; I thought you were addressing the court-keeper." There was an instant titter in the court; and I thought the rebuke told with the Judge, whose conduct on this and other occasions was the more remarkable, as he had taken honours at the University of Cambridge. And I have always noticed that if we look amongst the most distinguished lawyers of the present day we shall find none more celebrated for talent, as well as dignity of deportment, than those who have obtained such distinctions. To name only a few. Sir Frederick Pollock was the senior wrangler of his year; Lord Lyndhurst, second senior wrangler and second Smith's prizeman; Sir W. Tindal, first medallist and senior wrangler; Mr. Justice Littledale, senior wrangler and first Smith's prizeman; Sir L. Shadwell, second wrangler; Lord Langdale, senior wrangler and first medallist; Mr. Baron Alderson, senior wrangler, first medallist, and first Smith's prizeman; also the late Mr. Justice Maule, senior wrangler. We need not go very far back to increase the list. Lord Ellenborough was a third wrangler

and first medallist; Baron Graham, a third wrangler; Lord Eldon, Lord Tenterden, and Mr. Justice Taunton severally obtained the Chancellor's English essay prize, as also did Mr. Justice Coleridge.

CHAPTER IV.

Some reminiscences of Dunbar in court and at elections; his difficulties, his laundress, and his death—A consultation with three counsel, and the junior right—Mode of testing the respectability of an attorney.

I WAS upon terms of intimacy with Mr. Nathaniel Dunbar, a very eccentric barrister, of whom Mr. Cyrus Redding, in his *Recollections of Fifty Years*, gives some very characteristic anecdotes in one of his volumes.

I well remember that upon one occasion he lost an action for a client—a result more to be attributed to want of tact than lack of volubility of speech, for he could speak by the hour, and by the end of that time could, like a prize-fighter, get second breath and renew the combat. Through his plausibility he persuaded his client to move the court upon affidavits which, under his instructions, were many and voluminous. He remained in court the first four days of term, with bag in hand containing the affidavits, watching the moment to make the motion. At the last of these days, just as the Judges were about to retire, he commenced making his motion; but they were little prepared for the infliction that was about to await them. At the end of three quarters of an hour Lord Tenterden thus addressed him: "Mr. Dunbar, you have repeated that state-

ment over seven times." "Then, my lord, I will give you something fresh," was the reply; and drawing a voluminous affidavit from his bag, like a sword from its scabbard, after reading some of its statements, the court, much to the astonishment of the whole Bar, granted a rule *nisi* for a new trial, which of course was never made absolute.

Another case of Dunbar's occurs to my mind, in which he appeared as counsel for a sweep, in an action brought by his sooty client against a publican, for having been given into custody by him for passing a bad shilling. The evidence being conclusive against the sweep's case, Lord Denman said, "The plaintiff must be nonsuited; call him." Upon which Dunbar said, "The sweep appears; and I shall address the jury;" which he did in an excellent speech, and obtained a verdict, much to the annoyance of Lord Denman, who summed up dead against him. The verdict was afterwards set aside by the full court.

His name constantly appears as the plaintiff or defendant in the law reports; and, like many other people, he was always his own counsel. I was one day in the Court of Common Pleas when he was endeavouring to upset an order made against him by the Judge. Whilst he was speaking the Chief-Justice (Tindal) asked him to read the order. "Certainly, my lord," he said. In his loud voice he read, "In pursuance of an order—" when one of the Judges said, "In opposition to an order." Dunbar took nothing by his motion.

At the time of Carlisle's infidel meetings Dunbar

used to be a frequent speaker, and, being an ultra Tory, was much opposed to such gatherings. It so happened that he was a witness at a trial on the Home Circuit; and the leading counsel, thinking him to be a deist and a radical, cross-examined him very severely, asking him whether he attended Carlisle's meetings,—to which he replied, "Yes,"—and, after a few more questions, inquired of him whether he believed in the four gospels. He looked at the counsel, and, after waiting some time, said, "Yes, and a great deal more." Upon which Lord Tenterden, who knew Dunbar's principles and religion, said to the barrister, with a smile, "You had better give up the cross-examination."

Mr. Dunbar, who was constantly in debt, was the terror of sheriffs' officers. Whenever he was arrested, he was always on his road to some court with a brief in his hand or pocket; for at that time it was difficult to persuade a sheriff's officer that he could not arrest a barrister. He always succeeded in his application for discharge, with costs against the officer. A barrister who at the time was publishing some law reports cited many of the cases, the majority of which were —— *v.* Nathaniel. He and the reporter had, up to the time of the publication, been sworn friends; but seeing his Christian name in print, he called upon the reporter for an explanation of his conduct; and the dispute between them ran so high that they almost came to blows, Mr. Dunbar very properly asserting that —— *v.* ——, barrister, would have been a sufficient description, without mention-

ing the name. At last he was arrested in Surrey; and one of the Judges, having heard that he was in a lock-up house, and that he required to be sworn to an affidavit to procure his liberation, was about to undertake this charitable journey, when he was informed that Mr. Dunbar had died in a fit of passion at the lock-up house.

A few years ago, prior to the passing of the Reform Bill, Dunbar was retained as counsel for one of the candidates for the representation of a small borough in Wiltshire, whose interests he was qualified to promote, as well from his genteel appearance and fluency of language as from an assurance which almost approximated to impudence. I accompanied him professionally. Almost immediately after our arrival, a very active partisan introduced himself to Mr. Dunbar. This partisan shortly afterwards followed him up the street, and introduced him to a shabby man, saying, "This poor man, sir, is a voter, and friendly to our cause. You had better give him a sovereign, or even half a one." To my astonishment Dunbar sharply replied, "I will see the fellow d—d first!" He soon set the bells ringing and the flags flying, and made a long harangue from the window of the chief inn, wherein he promised the electors cheap bread and no taxes. Indeed, it would be difficult to find out what he did not promise.

I remember the following scene, which took place during the canvas. The organist of the place, who resided in a good old-fashioned house, lost his temper through what he termed the disturbance of the peace

of the borough by the London counsel. It being our duty to call upon every voter, we had of course to call upon this man. When we came to his house, we found the passage lined with his neighbours, who, having been informed of his intention to insult the London counsel, were anxious to enjoy the fun. Upon Dunbar's making his appearance, the organist attacked him in a most violent way; on which my friend said, "I should suppose you were a magistrate, and that we were brought before you for stealing wood. It must have been a freak of Providence to have placed such a fellow as you in a house like this." The neighbours all laughed; and the organist looked abashed and slunk into an inner room, amidst derisive cheers.

Dunbar made admirable speeches, which worked wonders for the candidate, who, being an opponent of the slave-trade, eternally introduced that question of the day. I heard him say to the candidate, in allusion thereto, "You are talking too much about the negro wool. The electors care nothing about the negroes; they are too interested about the wool of sheep;"—it being a town noted for making the best West-of-England cloth.

The borough being very full of visitors, Dunbar and myself were obliged to sleep in a double-bedded room, which looked into the street. It being a very fine summer morning, I arose early, and, opening the window, espied on the opposite side of the way two drunk men, who appeared to have been drinking all night, shouting out the name of the opposing

candidate, saying, "Mr. —— shall get in! Mr. —— shall get in!" "Into the trap!" added Dunbar, rising up in his bed. I thought he had been asleep.

His services having been crowned with success in this borough, we went to Calne, for which place there was an election then going on. Dunbar, by means of his assurance, soon introduced himself to Mr. Bowles the poet. We then posted on to Reading, where an election had just commenced; and my friend, by the like gift of assurance, was soon seen walking with Dr. Lushington, a candidate, behind a band of music.

I remember being at his chambers one night when he was about going to a dinner-party. His miserable-looking laundress was at the door, and said, "Can I speak to you, Mr. Dunbar, for a minute?" "Certainly; — what is it?" "Can you," said she, "lend me a sovereign?" "For what purpose?" She replied that she wished to belong to a burial society. He rushed immediately away from her, saying, "They will bury you fast enough when you are dead.—That is a very remarkable woman," he observed to me when we walked along; "she is never without a large basket in her hand, and never gets wet through. As long as I have known her she has worn the same shawl, the same gown, and the same bonnet." "But how has she escaped the wet?" I inquired. "O, easily enough," replied Dunbar: "she is like an old duck, and has grease enough on her clothes to defy the wet."

I was much struck with an observation which Dunbar, a great observer of human nature, once made to me, when, walking together, he led me through a labyrinth of narrow lanes: viz. that the labouring poor of such low and wretched localities obtain the best description of coals and potatoes, of the quality of which they are perfect adepts, the keepers of coal-sheds and the green-grocers finding it to their interest to supply them with such first-rate articles. It is well for the poor that this is the case; for what articles can be more essential to their comfort?

"Parts and poverty," said Lord Chancellor Talbot, "are the only things needed by the law student."

"There are but three ways," said a great judge, "for getting on in the law: sessions, special pleading, or a miracle."

"Pray, my lord," asked a fashionable lady of Lord Kenyon, "what do you think my son had better do in order to succeed in the law?" "Let him spend all his money; marry a rich wife; spend all hers; and when he has not got a shilling in the world, let him attack the law." Such was the advice of the old Chief-Justice.

Dunbar, having spent all his patrimony and married a rich wife, whose property was similarly squandered, being at last in actual difficulties, must have

followed the advice of Lord Chief-Justice Kenyon, which it has always struck me he must have admired, since he used to quote it in after life.

As a general rule the barrister of high standing is a most provoking alarmist to an attorney in consultation; but not so the junior, who for the most part observes nothing in a well-written brief but victory. I remember having a consultation with Mr. Serjeant Wilde (then Sir Thomas), Mr. Serjeant Bompas, and a junior lately called to the Bar, in a very heavy case in the Court of Common Pleas, in which a gentleman's servant was the plaintiff, and the sheriffs of Middlesex were the defendants. Sir Thomas predicated defeat, and Mr. Serjeant Bompas had grave doubts of success; but the new-fledged barrister, with a boldness which startled these two practised advocates, declared that he saw nothing but a verdict for the plaintiff. At the close of the consultation I said, "At all events, we have *justice* on our side." "It may be so," said Serjeant Bompas; "but what we want is *the Chief-Justice* on our side." On the trial of this cause, before that patient and learned Judge Sir Nicholas Conyngham Tindal, the Chief-Justice of the Common Pleas, Sir Thomas Wilde, throwing aside, as was always his custom, the apprehensions of success he had expressed in consultation, conducted the case in his usual bold, confident, and skilful manner, and, after two days' hard fighting in court, obtained a verdict for the plaintiff, with 300*l.* damages.

There is no one personage among the gentlemen of the long robe who boasts more loudly of belonging to a *liberal profession* than the briefless and brainless barrister. Such queer notions does a man of such calibre entertain of what the word *liberal* means, in its most extensive sense,—as the following anecdote testifies.

I recollect, when a boy, a barrister of this stamp thrusting himself among the counsel practising at the Old Bailey, in search of, and on the look-out for, stray briefs. In face and appearance he was the very image of the celebrated Mr. Gurney, one of the Barons of the Exchequer, who had a large and lucrative practice in that court of criminals. Indeed, in person they were as like as two bees, and a stranger could hardly distinguish the one from the other; but there the comparison ended. It happened that at the time of which I am speaking a Yorkshireman journeyed up to London for the express purpose of prosecuting some men for a conspiracy in having defrauded him of some horses, and upon his arrival in the metropolis straightway went to an attorney, who drew up the necessary brief for him. Having been in court the first day of the sessions, and heard Mr. Gurney in several cases, with whose talents and skill he was quite in ecstasies, he said to his attorney, in whom (from what he had heard gossiped about him in a neighbouring public-house) he had lost all confidence, "I shall employ, sir, Mr. Gurney in my case, and no one else—he is the man for my money. Give me the brief; I will take it to him myself,

and pay him the fee." Having received the brief, which was not indorsed with the counsel's name and fee, he went to the Old Bailey, where, unfortunately for him, he met Mr. Gurney's double, and handed him the brief, and with it a fee of six guineas. Our friend from Yorkshire soon discovering that he had made a sad blunder, and that the counsel who had so eagerly deposited the six guineas in his trousers-pocket was no Mr. Gurney, went in search of him to get back the brief and fee; but in the midst of such search some one told him that the counsel was seen to go into Williams's boiled-beef shop in the Old Bailey. The Yorkshireman, having made his appearance there, discovered that the well-fed man of the "liberal profession" had before him a plate of boiled beef and greens, and by the side of the plate a pot of porter; upon which our friend went up to him, looking daggers; but before he could utter a word Mr. Gurney's fac-simile said to him, "I have read your brief quite through, and the consultation shall take place in an hour's time." The Yorkshireman, over-boiling with rage at having made the mistake, bellowed out, "I shall have no consultation; I only require you to return me the brief and fee. I thought you were the celebrated Mr. Gurney, but I find you are Mr. Nobody." "There's the brief," said Mr. Gurney's double, pushing it towards him. "But where's the fee?" said the Yorkshireman. "I shall not return it," said the man of the "liberal profession;" whereupon the Yorkshireman rushed out of the boiled-beef shop to seek advice as to the course

he ought to adopt to get back the fee. But this was all labour in vain; and, to add to his vexation, he was told that the fac-simile of Mr. Gurney was so enamoured of the plate of beef and greens, that soon after his departure he had ordered another plate, and devoured it with a like appetite.

I have a perfect recollection of the late Baron Gurney's appearance when a practitioner at the Old Bailey. His coming into court there seemed to strike every one either with courage or fear, according to the side he advocated. He had a splendid eye and not a bad voice.

A broken-down and drunken attorney, who was always attired in seedy black clothes, was, on account of his professing to know something about divinity, nicknamed by many of his companions The Divine. He was very thin, and appeared to me to get thinner every day; and in allusion to his spareness I told him that if he continued to drink so much gin, he would some day fall through a crack in the floor of a public-house into the cellar beneath. At this time there was a chapel in Jewin-street conducted by a number of professed freethinkers, who were either distillers or retail dealers in gin. They sat in a high seat in the chapel, and debated religious topics every Sunday morning to a crowded congregation; in short they converted the place into a debating-room; and very clever some of them were. Their number included Fearon, Thompson, Coates, &c., who were well-known

speakers in the city of London. On the conclusion of an argument one of the gentlemen invariably rose from his seat and inquired if any one present wished to have any passage of Scripture or any thing else explained or answered, as if so, "now," he said, "is the time."

Our friend "the Divine," who happened on a particular Sunday to form one of the audience, seeing that there was no disposition in any other person to respond to this invariable challenge, got on his legs and said that *he* wished to put a question. "Certainly," said Mr. Coates; "we shall be most happy to answer it." "But it is one I do not like to ask." "Pooh, pooh!" said Mr. Coates, "put it at once, my good sir; we are all attention." "Well then, sir, I wish to know whether freethinkers bring on gin-drinkers, or gin-drinkers freethinkers?" The only answer was a roar of laughter.

I recollect an attorney who lost a considerable practice through his unconquerable love of drink. This fatal habit had by degrees so incapacitated him from attending to business, that he was at last compelled to give the few suits remaining in his hands to an industrious attorney to transact for him, who agreed to allow him agency fees. As each of these matters was completed, this attorney, after deducting money out of pocket, paid the drunken attorney half the profits, at the same time always pouring out for him two or three glasses of sherry. The unfortunate man, being at length left without clients and causes,

and short of cash, and being desperately in want of drink, the thought betook him that he would go to his agent, and ask him to lend him some money. Calling at his chambers, he was shown in to him, when, upon the application being made, he was met with a refusal in these abrupt words, "I shall do no such thing!" and thereupon he departed quite crest-fallen. Months rolled on, and some charitable individual who had known him in better days took compassion on him, and gave him a suit of clothes, a silk hat, and a pair of boots. His condition, however, was, so far as money was concerned, as pitiable as before; but he resolved, his personal appearance being now improved, to present himself once more at his agent's chambers, to see if he could by any means extract money from him. On his presenting himself there thus apparelled, his late agent, deluded into a belief that he had got on in the world, and had picked up fresh business, said in the blandest possible manner to him, "Pray take a seat, sir, and allow me to offer you a glass of sherry." This "glass of sherry" having been handed to him three or four times, and drunk off with much gusto, there was only one glass remaining in the bottle. It was then that the unfortunate attorney, looking at his agent, said, "I am not come to borrow, but—" and here the remainder of the sentence was interrupted by the agent saying, "Pray take the last glass of sherry;" which having been swallowed, the unfortunate attorney thus addressed his agent, "I am not now come to *borrow*,

sir, but to *beg!*" The agent, though taken in, was so tickled with the ingenuity of the trick, that he presented him with a sovereign.

Report says that this drunkard of an attorney was a gambler, and that he was always backing horses which never won. Be that as it may, it is a fact that, shortly after he had obtained the sovereign by the means above narrated, he met the attorney, from whose pocket he had manœuvred it, coming out of court at Westminster, surrounded by witnesses, highly elated with a verdict he had just gained; and making up to him, he thus addressed him: "I was in court, sir, when your cause was tried, and sincerely do I congratulate you on your success. I will not ask you to lend me a sovereign; but can you accommodate me with one?" To his astonishment, the victorious attorney took out of his pocket a purse crammed full of sovereigns, and gave him one on condition that he never betted again, a promise that was of course readily made. But no sooner had the drunken attorney got the sovereign in his hand and looked at it, than he suddenly forgot his promise and said, "I'll toss you for another." The attorney left him in disgust.

Prior to the repeal of the Usury Laws, which ought to have taken place years before, a barrister (an M.P.), who was the grandson of an eminent Judge, had muddled away a nice estate, and had at length got into tremendous difficulties. He was introduced

to a very cunning and rich linen-draper, who belonged to that class of men who boast of coming up to town with only half-a-crown in their pocket, and of sleeping for years under a counter—wishing to make it appear that their money was obtained by industry alone. By means of his wealth, and a certain degree of bounce, this man became a Member of Parliament; but it was a most unfortunate thing for him that this honour was conferred upon him, for it was the cause of his parting with large sums of money to needy members. One day our barrister called upon the M.P. tradesman, and asked him to discount a bill for him for 4000*l.* He said, "Large as the amount you require is, I have no objection to do so, if you will take 1000*l.* worth of my towels and linen; and I will give you a cheque for 3000*l.*" The barrister exclaimed, "What in the name of patience can I do with such a stock of towels?" "Why, take some large room down by the side of the river, where you can give them away, or sell them for moderate prices, according to your fancy." "What do you think," said the barrister, "of my throwing them into the river?" "You may do *that*," replied the M.P. tradesman, "if you like; it's all one to me." It was a novel sight to see a large waggon loaded in a hurry late at night, principally with towels, and to witness as it went away towards the river-side room, suddenly hired for the occasion, several of the packages every now and then falling into the street. These packages were soon made prizes of by women, who ran away with them;

and as the crowd increased, many of them toppled over into the street; and the waggon reached the room with only half of its contents. Of course the bill was not taken up, though the towels were.

When a client gives instructions to bring or defend an action, it is of the greatest importance to ascertain the character of the attorney on the opposite side. It is often very difficult to get at this knowledge; nevertheless, there are some rules to which there are no exceptions: for instance, if an attorney repeats those stereotyped sentences, that he has a duty to perform, or that his client has suffered a wrong, you may, generally speaking, set him down as a rogue. But the clerks of attorneys usually know the characters of their employers; for few things escape their penetration. I have commonly found the following plan to be the most successful for discovering the character of an attorney of whom you entertain suspicions. I go into an office when the clerks are writing, and I ask them, in a loud voice, "Is the good man within? How is the good man?" The clerks immediately, after momentarily looking at one another, burst out into a loud laugh. I know then the character of the man. How different is the conduct of clerks when you are confident in your own mind that their employer is a respectable practitioner! You go into the office in the same way, and seeing the clerks inquire of them, "Is the good man within? How is the good man?" There is no laughing here, but one of the clerks comes up

to you, and says in a delighted tone of voice, "We are happy to say that he is better in health now than he has been for a long time. He is in, sir; and you can follow me."

CHAPTER V.

A respectable solicitor with small practice—Mr. Gurney, the eminent short-hand writer—Mr. St. John Long, the noted empiric—Mistake in the service of a writ, and the consequences—The feud between two City aldermen—The writ-server and clergyman—Peele's coffee-house—Sir William Owen—Samuel Wells, Esq.

MANY years ago I was intimately acquainted with a respectable solicitor named Paxton, having a small practice, which he carried on in a house in Gray's-inn-road, where he also resided. He was a pious man, and a deacon of a Baptist chapel close to New-inn, now licensed as an Episcopal church. Mr. Gurney, the eminent short-hand writer, who was also a Baptist, from having often attended at this place of worship became acquainted with my friend. By the mention of these two gentlemen I am reminded of the trial of a quack—a native of Doneraile in Ireland, by name St. John Long—who was indicted some twenty-five years ago at the Old Bailey for the manslaughter of a Miss Cashin, a beautiful young girl of respectable family and considerable fortune, who fell a victim to the fellow's pretended remedies. The empiric had been by turns a basket-maker, a jobbing sign-painter, an engraver, a colour-grinder to Sir Thomas Lawrence, and lastly, a portrait-painter; but, failing in all these callings, he set up as a quack in Harley-street. Though the impostor

was of forbidding countenance, of hideous expression, and afflicted with an incurable stammer, yet, in spite of these drawbacks, crowds of ladies, old and young, flocked to his house—first to inhale a mixture contained in a mahogany chest, and then to be rubbed with a lotion said to be a panacea for the disorders of all, both male and female. Under this treatment several persons died, and amongst the rest the unfortunate young lady above named, who in her last illness called in Sir Benjamin Brodie; but so deplorable was her condition, that he could not save her.

At the time of the quack's trial for this medical murder, he was in the receipt of 10,000*l.* a year; a fact which could have been verified by the ledger of his bankers, Sir Claude Scott and Co. At this trial the fellow, being anxious to have a short-hand writer's notes of the whole of the proceedings, engaged Mr. Gurney for that purpose, and a transcript of his notes was forwarded to his house in Harley-street. Weeks and months passed by, but Mr. Gurney was not paid. At length Mr. Gurney called on my friend Mr. Paxton, and gave him instructions to write a letter to the quack, which was done. No notice having been taken of the application, Mr. Paxton issued a writ for his client, and took a copy of it to Harley-street for service on the defendant. On entering the house, he was astonished at the splendour of the rooms, and the gay livery in which the domestics were clothed. After waiting a considerable time; he was ushered into an apartment most magnificently furnished. Mr. Paxton, who, notwith-

standing his being a lawyer, was a very modest man, went up to the quack and thus tremulously addressed him: "Sir, I am sorry to inform you that I have a writ for you at the suit of Mr. Gurney." "O," said he, "I regret that you should have given yourself this trouble. I quite forgot the matter;" and, producing his cheque-book, gave a cheque for the amount of the debt and costs. Mr. Paxton was on the point of retiring, when Mr. St. John Long the quack said to my friend, "Stop, sir; I have no particular legal adviser, and I wish to consult you. The fact is, I wish to bring an action against a lady for a breach of promise of marriage." And then, unlocking a drawer and pulling out a bundle of letters, he added: "You can read these at your leisure; but I wish the writ to be sent down to Exeter to-morrow for service. There are two sisters, both of whom are very handsome."

The writ was sent down to an attorney practising in that city, with instructions to serve a copy on the fair defendant. The attorney intrusted the service to a bashful lad who had just come into his office. The lad started off to the lady's lodgings, situate in a village two miles from Exeter, where he ascertained her address, and was informed of her beauty. He knocked at the door of a humble dwelling, which was opened by a beautiful girl (for the two sisters kept no servants), to whom the bashful lad said, "Here is a copy of a writ for you, miss," and immediately left.

The eight days for appearing to the writ having

gone by, and no appearance having been entered, Mr. Paxton wrote down to the Exeter attorney for an affidavit of service; but to his mortification he received a reply that the bashful youth had served the wrong sister, and that, upon discovering the mistake, he had gone to serve the right lady, and found she had left her residence for Naples. Mr. St. John Long's writ had driven her there, where she got acquainted with and married the Prince of Capua. After this alliance she introduced her other sister to the Earl of Dinorben, an extremely wealthy nobleman, to whom she was soon united. Through these alliances the sisters' brother was introduced to Lord Tenterden, and married his lordship's daughter.

Thus were these high marriages effected through the mistake in the service of a writ.

It is well known that the aldermen of London preside over the City police-courts—that at the Mansion-house being under the immediate charge of the Lord Mayor for the time being, whilst the sitting magistrates at the Guildhall court are the aldermen sitting in turn.

It happened, as I remember,—I will not say a hundred years ago,—that the Lord Mayor, to recruit his health, had left the city palace for a country visit; and instead of leaving *one* of the senior aldermen as his *locum tenens*, which is commonly the custom, it was agreed, at the express wish of half-a-dozen of the senior aldermen, that each of them should take duty alternately.

Now, it happened that a small feud existed between two of the aldermen, whom, for the sake of distinction, I will call Alderman A and Alderman B; A being a senior who had passed the chair, and B a junior who had not as yet filled the office of chief magistrate.

Alderman A, who for a few days had been sitting at the Guildhall Police-court, had left it to preside as *locum tenens* for the absent Lord Mayor at a Court of Common Council; and, another alderman being wanted to supply his place on the vacated bench, a messenger was despatched to find a magistrate. Calling at Alderman B's, he inquired if he was in, and would undertake the duty. The servant, replying that his master was not at home, added that even if he were, he would not take Alderman A's duty. "He need not fear that," replied the messenger, "for Alderman A is presiding at a Court of Common Council as the Lord Mayor's *delirium tremens*."

The writ-server, who in the sister island is styled a process-server, is a singular character in the law. Many men of this class have been attorneys' clerks, who through drunkenness were discharged; but, notwithstanding which, their employers sometimes took compassion on them, and gave them writs to serve. Some of this fraternity are very knowing, and make not a bad income. I remember an attorney who informed me that he was, after using every exertion, unable to serve a clergyman with a copy of a writ,

the service of which was of the greatest importance. I said, "I will introduce you to a man who is very clever in these matters; but you will have to give him a good fee." "O," said he, "I do not care about the money; send him to me." As I was leaving the gentleman's office I met the writ-server just outside, and I returned with him. After the attorney had described to him the defendant's person and calling, that he lived near Kennington-common, and had formerly resided at Cambridge, it was amusing to hear the writ-server ask about the antecedents of the clergyman. "Why," said the attorney, "when he was at Cambridge he was a very great cricketer." "That's enough," was the reply; and, after depositing the writ and copy in his pocket-book, he departed. This conversation took place the day before Good-Friday. Much to my astonishment, my friend informed me on the Saturday that the writ had been served. "And how do you think it was done?" said he. "It appears that the writ-server was a married man, and had a large family; he went on the Common, erected a wicket, and played cricket with his children for several hours. Whilst the children were enjoying the game, a gentleman, who came out from one of the houses opposite the Common, went up to him and said, "Sir, I am delighted to see you enjoy with your family this noble game." "Thank you, sir. Here is a copy of a writ for you." The wicket was immediately struck, and the writ-server and his children went home to dinner. He was acute enough to know that the gentleman was the defendant, and

lawyer enough to know that he could be served on a Good-Friday.

For many years I had been in the habit of frequenting that old-established and well-known tavern in Fleet-street—Peele's Coffee-house. Owing to the celebrity it had acquired from the circumstance that all the London and country newspapers have been filed there for more than a century, a great number of letters were directed to be left there until called for. In former times, many were the money-lenders, bill-discounters, and sharpers who made it a house-of-call at a small expense, merely taking a cup of tea or coffee, and turning it into a post-office. Through old associations, many of its frequenters were barristers, solicitors, and stockbrokers, and likewise gentlemen coming from the country. One frequent visitor was the late Sir William Owen, Baronet (afterwards Sir William Owen Barlow); a somewhat eccentric character, and who, strange to say, had never travelled, during the course of a long life, either in a stage-coach or railway-carriage: he invariably travelled, whenever he left town, in a postchaise. I heard him on one occasion declare in the coffee-room that he had not for years read a book. Be that as it may, I can truly certify that he was a great devourer of the daily newspapers, his taste for which he could indulge in at this establishment to his heart's content. It was quite laughable to see him watch for the evening newspapers; and whilst reading them the least noise would disgust and annoy him. One evening the

boxes in the coffee-room were more than usually crowded. In one of them, in which Sir William was seated, there happened to be an old attorney from the Borough, with two of his clients. I was seated in the opposite box, and all that I heard was the attorney, who was writing, asking more than once from one of the clients, "From when to when?" The baronet, unable to bear with the annoyance any longer, having hastily thrown over his left arm a greatcoat which he wore out of doors summer and winter, and the evening paper, and grasped in his right hand an umbrella,—his constant companion, whether it was fine or rainy weather,—came running towards the box in which some friends and myself were seated. His first salutation was, "Mr. Jay, will you permit me to sit in your box?" "With much pleasure, Sir William," I replied. "Do you know," said he, "there is a scoundrelly attorney there who is manufacturing an affidavit." It was this worthy baronet who wanted to have a waiter discharged from the establishment merely on account of his bad grammar. The cause of his displeasure was this: a gentleman asked the waiter what he could have for dinner; "There *are* a leg of mutton, and there *is* chops," was the reply.

The baronet died at his chambers in the Temple at a very advanced age, having for a period of fifty years adopted the same course of life, taking his meals at the same place and the same hour,—except in term-time, when, from being a bencher of the Middle Temple, he dined at the hall,—drinking the

same description of wine, reading the same newspapers, and going to bed at the same hour.

In the coffee-room, as it then stood, there was a box near the fire-place which was occupied almost every evening by the same gentlemen; viz. two or three barristers, the like number of solicitors, a stockbroker, and a country gentleman, who, when he was appointed high sheriff of Bedfordshire, had a carriage built so small that the late Mr. Baron Alderson was unable to get into it to open the Commission at the Assizes. The port and claret that was drunk in this box would have floated a brig-of-war. The chief conversation seemed to me to turn upon the price of the funds, the stockbroker saying cunningly to one of the barristers who, as he well knew, had no Bank-stock, "*Your* funds have got up to-day." This self-same barrister, who had written a book on finance, came into the box one day when I was seated there, and triumphantly threw down an envelope from Lord Althorpe, the then Chancellor of the Exchequer, and immediately taking out a note from it pretended to read its contents in these words: "Dear sir, will you have the kindness to send me six copies of your work on finance. It is the best book on the subject which I have read.—Yours very faithfully, ALTHORPE." This deceived the claret-drinkers; but as I happened to be seated next to him my eye caught the true contents of the note, which ran thus: "Sir, I have enclosed you 10*l.* This is the second time I have lent you the same sum. I beg that you will not make any

further application to me.—Your obedient servant, ALTHORPE."

The barrister had previously printed two very thick volumes on quite a different subject. The printer alleged that the barrister was indebted to him in upwards of 500*l.* for the printing, paper, and bringing out of the work; whilst, on the other hand, the barrister contended that the printer owed him a much larger sum on the sale of the subscribed copies, and moneys paid on account. The day prior to the barrister being called to the Bar the printer arrested him, and on his road to the lock-up house in the custody of the officer the barrister called at my chambers, and protested strongly that the printer owed him a balance upon the accounts between them, and stated that unless he could procure his immediate liberation he should be unable to obtain his call, and consequently be ruined. He showed me a letter from the celebrated Mr. Bell (which I could not decipher), who was to propose his call. Under this state of things, and believing the barrister's statement to be true, it was determined that the printer should be arrested for the counter-claim. The officer accompanied the barrister to the office, where the affidavit of the debt was made; upon which the writ was issued, and a warrant for caption granted upon it. The officer, having caged the barrister at the lock-up house, called immediately at the printer's, who, thinking that the officer was the herald of good news, said, "Have you got the money already? I thought that by getting him arrested just as he was about being

called to the Bar, he would do any thing to procure his liberation." "Not so fast, my good friend," said the officer; "I have got a writ against you at his suit to arrest you for a much larger amount." The officer took the crestfallen and indignant printer immediately to the same lock-up house; and it was quite amusing to hear each threaten the other with actions and indictments. After an hour's wrangling, each of them was glad to give to the other a discharge, which enabled the printer to return home to his family, and the barrister to be called to the Bar. Doing away with the law of arrest on mesne process was a great act of wisdom on the part of the legislature, except in those cases where it can be shown that a debtor is about to leave the country. The matters in dispute between the two litigants were afterwards referred to arbitration; and the result of the reference was, that there were only a very few pounds in favour of the printer.

CHAPTER VI.

Daniel Whittle Harvey and Mr. Serjeant Runnington—A panic at Westminster Hall—The double trial—The briefless barrister—A dog case in a County Court, and an exhibition there—A narrow escape of an attorney from the bite of a dog—Process before the Common Law Procedure Act—County Courts—Verbosity in a Counsel—Reproof of the Judge—Lord Mansfield.

I WAS intimately acquainted with the late Daniel Whittle Harvey, the Chief Commissioner of the City Police, by whom I was urged to publish this volume. He repeatedly related several anecdotes which he promised to write for me, but his death prevented the fulfilment of the promise. At Colchester, where he was an especial favourite, a vacancy occurred for the office of Recorder. At this time there was no necessity that the recorder should be a barrister, so my friend started as a candidate; and his opponent was Mr. Serjeant Runnington,—who, by the bye, was the first appointed Commissioner of the Insolvent Court on its creation. Whilst the serjeant was presiding in his court, in one of the rooms at the end of Westminster Hall, before the construction of the present Law Courts, a noise was heard, and a report afterwards circulated that the roof was falling in; the serjeant, counsel, attorneys, insolvents, and audience were so terrified that they ran out of court into Palace-yard;

but the report turning out a hoax, they soon made their way back again.

But to return to the Colchester election. The two candidates obtained an equal number of votes. On the next morning the sessions commenced; and the only prisoner to be tried was a young lad who stood indicted for stealing a donkey. Mr. Serjeant Runnington, notwithstanding the equality of the votes, took his seat upon the Bench and tried the lad, and upon his conviction sentenced him to an imprisonment of twelve months. Upon the serjeant leaving the Bench, Daniel Whittle Harvey, having heard of his having acted as recorder, rushed into the hall, seated himself upon the Bench, and directed the lad to be brought before him for trial, saying that *he* was the recorder. The order was obeyed, for he was a great favourite in the town; and the lad was tried, acquitted, and discharged. There was an application made to the King's Bench, and the election of both the candidates was nullified by the Court.

Mr. Daniel Whittle Harvey related to me one day after dinner the following story respecting a briefless barrister, which I think he stated he had inserted in the *Sunday Times*, a weekly paper which he started, and which, shortly after it was well established, he sold for a large sum of money to Mr. Valpy, a fellow of one of the colleges of Oxford; and by him it was afterwards disposed of to a gentleman who had written several novels, but whose

name I forget. It was the best title that a paper could have; and as Daniel Whittle Harvey edited it, it was no wonder that it commanded a large circulation. I was one morning at his office when he said, "Jay, come with me to the City of London tavern, for a great meeting has been convened there to petition Parliament to oppose the Maynooth grant." I replied that I should be very happy to accompany him. When we arrived it was a very crowded meeting. Just before coming to the large room, we passed the committee-room on the same floor, when one of the committee, who was violently opposed to the grant, and whom I knew very well, and who knew Daniel Whittle Harvey by sight, rushed at me and said, "Jay, do you think Daniel Whittle Harvey would move one of the resolutions?" I replied that I would ask him. I did so, and he instantly said that he should be delighted to comply. Five minutes afterwards he made his appearance on the platform, and was received by the company with great applause and clapping of hands. It was amusing to see there dignitaries of the Church, clergymen, Dissenting and Methodist ministers, amongst whom I noticed Jabez Bunting, who seemed almost as if he could embrace Harvey. At last the time arrived for Harvey to move his resolution, who upon rising was greeted with the same applause as when he first presented himself. After speaking for about five minutes in the most eloquent way, he said, "Mr. Chairman and gentlemen, I am opposed to the Maynooth grant more than

any one in this assembly, and against every grant for religious purposes." An uproar of groans, hisses, and yells, with shouts of "Turn him out!" immediately followed the speaker's declaration. Of course the meeting would not hear his motion; and he was obliged to leave, and I accompanied him. He did not seem to take it much to heart, but said, laughing very heartily, "Jay, didn't I throw in a shell amongst them?"

My friend called my attention to the following account of a young barrister's early trials, which is, I believe, from the pen of an accomplished lawyer and man of letters:

"Many are the vexations, in and out of court, of the briefless; for it should be borne in mind that the attorney is a cruel animal,—as cruel as a rich coxcomb in a ballroom, whose chief delight is to excite hopes only to disappoint them. Indeed, the communications between solicitors and the Bar bear some resemblance to the flirtation between the sexes; for barristers, like ladies, must wait to be chosen. The slightest overture would be equally fatal to the one as to the other.

"At the assizes the gentlemen at the Bar sit round a table. Should an attorney make his appearance, not an eye moves, but somehow or other the fact is patent to all. Calmly he draws from his pocket a brief; practice enables counsel to see at a glance that the tormentor has left a blank for the name of his counsel. He looks round the circle as if to choose his man. The briefless barrister, never

doubting but what the attorney's eye rested on him, sees him write a name; but the intended name is too far off to be read, though he knows every name on the circuit upside down. Now the traitor counts out his fee, and wraps it up with slow and provoking formality; at length, all being prepared, he looks towards the briefless, who, erroneously supposing that it is to catch his eye, nods; and the brief coming flying towards him, he picks it up, and finds on it the name of a man three years his junior, who is sitting next to him. The briefless, full of vexation, curses the attorney's impudence, and asks himself whether he meant to insult him. 'Perhaps not,' he inwardly exclaims, 'for the fellow squints.' I remember, shortly after my admission as an attorney, hearing one of these unfortunates thus describe his first appearance in court in the character of an advocate:

"'My maiden brief,' said he, 'was in town. How well do I recollect the minutest circumstance connected with that case! The rap at the door! I am a connoisseur in raps; there is not a dun in London who could deceive me, I know their tricks but too well; they have no medium between the rap servile and the rap impudent. This was a cheerful touch; you felt that the operator knew that he should meet with a face of welcome. My clerk, who is not much under the influence of sweet sounds, seemed absolutely inspired, and answered the knock with astonishing velocity. I could hear from my inner room the manner of inquiry and

answer; and though I could not distinguish a word, the tones confirmed my hopes. I was not long suffered to doubt. My client entered; and the pure white paper, tied round with the brilliant red tape, met my eyes. He inquired respectfully, and with an appearance of anxiety which marked him in my mind as a perfect Chesterfield, if I was already retained in the cause of —— *v.* ——. The attorney knew well enough I never had a retainer in my life. I took a moment to consider; and after requesting him to repeat the name of his case, I gravely assured him that I was at perfect liberty to receive his brief. He then laid down the papers and my fee on the table, asked me if the time appointed for a consultation with the two gentlemen who were "with me" would suit my convenience; and finding that the state of my engagements would allow me to attend, he made his bow and departed.

"'At length the fatal day came. I shall never forget the thrill with which I heard the leading counsel open the case, and felt how soon it would be my turn to speak. O, how I prayed for a long speech! I lost all feeling of rivalry, and would have gladly given him every thing that I intended to use myself, only to defer the dreaded moment for one half-hour. His speech was frightfully short; yet, short as it was, it made sad havoc with my stock of matter. The next speaker was more concise; and yet my little stock suffered again severely. I then found how experience will stand in the place of study. At length my turn came. I was sitting at

the back row of the King's Bench. It was on the last day of Michaelmas Term and late in the evening. A sort of darkness had been produced by the aid of a few candles dispersed here and there. I arose, but was not at first perceived by the Judges, who, supposing the argument finished, had turned together to consult. The court was crowded, for it was a question of some interest. It was an awful moment. I began; and at the sound of an unknown voice I had at an instant the eyes of seventy "learned friends" looking me full in the face. It is hardly to be conceived by those who have not gone through the ordeal, how terrific is the mute attention to the object of it. What I said I know not; I knew not then; it is the only part of the transaction of which I am ignorant. It was a phantasm, or hideous dream. They told me, however, to my great surprise, that I spoke in a loud voice, used violent gestures, and as I went along seemed to shake off my trepidation. Whether I made a long speech or a short one I cannot tell, for I had no power of measuring time; all I know is that I should have made a much longer one, if I had not felt my ideas, like Bob Acres' courage, oozing out of my fingers' ends. The Court decided against us,—erroneously as I thought, for the young advocate is, in his own opinion, always on the right side.

"'The next morning I got up early to look at the newspapers, which I expected to see full of our case. In an obscure corner, and in small type, I found a few words given of my leaders'; and I also read

that Mr. —— (without mentioning my name) followed on the same side.'"

A wealthy gentleman, who was a client of mine, residing at Kensington, agreed to purchase a dog of a dealer at Hammersmith for ten guineas, upon his guarantee that the animal was docile and good-natured: but the bargain nearly went off; for on my client patting it upon the back, he did not like its vicious and sinister looks; and so he informed the dog-dealer, who put aside the doubt by saying, "O, it is only his play, sir; he's as docile as a lamb." "Well, then," said the purchaser, "send the dog to my house; and if I find it to be as you state, I will forward you a cheque."

The dog was quickly deposited at my client's; and whilst he was walking next morning in his garden, the animal, on seeing him, made a rush at him, and bit him severely on the arm. The gardener having, after much difficulty and risk, chained up the ferocious brute, went immediately, by the direction of his lacerated master, to a neighbouring surgeon, who, on arriving at my client's, inspected the wound, shook his head, used caustic, and applied various necessary remedies to prevent hydrophobia. The dog was immediately returned to the rogue of a dealer, who had remained at home in expectation of the cheque; and with the dog he heard a statement of what had happened. The dealer declared with an oath that he would not receive the animal back; and the next day he took out a plaint in the

Brompton County Court for the amount of the purchase. I instructed a serjeant-at-law to attend the Court; when the following scene took place:

The serjeant having described the nature of the wound, and put my client into the witness-box to give evidence in support of his defence, made him take off his coat and draw up his shirt-sleeve, in order to show the Judge the nature of the wound. This exhibition being ended, the serjeant, after stating that he had been bitten some years ago in the calf of his leg by a savage dog, drew up, to my surprise, his trousers, and exposed the scar arising from the effects of the bite. But to my greater surprise, the Judge began to take off his robe and coat, and, pulling up his shirt-sleeve, exhibited a larger scar arising from the bite of a dog than either the defendant or his counsel. This Judge was no less a personage than Professor Amos, who had been a wrangler at Cambridge. After exhibiting the scar, he declared that no circumstance in his life had annoyed him so much as the bite, he being constantly in fear of the consequences. But the scene was not yet ended, for the court-keeper, who had been bitten behind, was actually pulling down his trousers to show how severely he had been punished by a bull-dog. Two or three of the audience caught the infection, and were showing their naked legs and arms; when the Judge said, "I shall put a stop to this, or else most people in court will be naked. I give a verdict for defendant, with costs;" a result which was received with much satisfaction by the bit-

ten persons and their sympathisers. I must mention another strange fact, that no sooner had the serjeant left the court than a ferocious dog—(aware that the advocate had been retained against *his* species?)—made a rush at him, and, though it did not bite him in the calf, exposed it to view by tearing off a large piece of cloth from his trousers.

The above anecdote brings to my recollection a circumstance which might have been productive of serious consequences to a friend of mine, an attorney. A client of his, in one of the Midland counties, resided in an elegant cottage, with large pleasure-grounds surrounding it. Early one morning my friend had to meet his client on particular business; and when he arrived at the cottage, he found all the doors open,—the proprietor and all his servants having, as he afterwards learnt, departed to see a fish-pond, some half a mile off, drawn; but there was one living thing in the cottage—a large mastiff dog. On my friend entering one of the rooms the dog followed him; he then went into another room to see if he could meet with his client, the dog still following him with a sort of growl; and although he saw a letter addressed to him on the breakfast-table, he was afraid to take it up, for he was sportsman enough to know that if he attempted to touch it, his unwelcome companion would have flown at his throat. Beginning to be very much alarmed he went into the library; no one was there, but the dog still followed him, casting at him a very sinister look.

Close to the library was the staircase leading to the bed-rooms; and the thought struck him that he would go upstairs. He ascended them; the dog still following him. He went into a bedroom; no one was there; but the dog still followed him. He was now so terrified that he thought his senses were leaving him. In this state of mind he went into his client's bedroom, where the dog still followed him; and finding the bed was not made, he, for safety's sake, slipped into it, and drew all the clothes over him, the dog remaining by his side. In a few moments his friend and the servants arrived at the cottage, much to his joy, when he was congratulated by them that he had not been torn to pieces by the dog. Perhaps he owed his safety to his having cautiously abstained from touching any thing in the house, and to his bearing the marks of a perfect gentleman both in his dress and deportment; for gentlemen's house-dogs are very observant in these matters.

A late learned serjeant of my acquaintance was noted for being an advocate in very bad causes brought for very small amounts. An action was brought in the Exchequer for the recovery of four pounds odd. As the plaintiff's counsel, he made a very long speech to the jury for his client, which much annoyed the Judge. After three witnesses had been examined, the plaintiff was called in support of his claim, who, after giving his evidence, had scarcely left the witness-box when he was called

back by the Judge, who asked him how it was that he had not brought the trumpery action in the County Court. He made this reply: "I left that to my attorney." The serjeant, perceiving that this sensible answer further annoyed the Judge, said in a loud tone, "My lord, will you have the kindness to ask the plaintiff another question?" In the kindest way the Judge replied, "Most certainly." "Then," said the serjeant, "will your lordship ask him why all actions are not brought in the County Court?" The answer was, "Sit down, sir." I need not mention that the Bar was in a titter at the rudeness of the serjeant.

Before the passing of the Common Law Procedure Act, it was an extremely difficult thing to bring a wary defendant into court, unless he could be personally served with a copy of a writ of summons; and therefore it became necessary to employ a knowing process-server to effect this desirable object. If this jackal of the law was balked in his endeavours to effect personal service, he had afterwards to call three several times at the defendant's residence, and to make the like number of appointments, stating at each call to the servant or person opening the door—who was always sure to tell some tutored untruth—the object of his call, leaving at the last of these appointed calls the copy of the writ with the servant. This done, the plaintiff's attorney had then to wait until the expiration of eight days before he could search whether an appearance had been entered by

the defendant, and if upon such search he found it had not, he then had to call into requisition the writ-server's services to make the necessary affidavit in support of an application before the Court in Term, and before a Judge at Chambers out of Term for a rule or order for leave to issue a writ of distringas, which rule or order having been granted, then came certain subsequent steps, dilatory and troublesome, to bring the defendant into court. But many of the applications before a Judge at Chambers were refused, particularly so by the late Mr. Justice Maule, who quite enjoyed the fun of pointing out to attorneys their mistakes in swearing what was unnecessary, and leaving out what was material. But no fault was ever found by this or any other Judge where a certain process-server was the deponent, for he always introduced something which never took place: for instance, on one occasion he swore that on the last of the three necessary calls he heard a voice after he had knocked at the door, saying, "Tell the fellow that I am not at home;" but in his affidavit he swore that he well knew the voice of the person who had spoken these words, and it was that of the defendant. Upon another occasion he swore that he saw the defendant pop his head below the blinds when he was knocking at the door. At another time he swore he saw the shadow of the defendant as the door was opened upon the wall of the hall. The Judges believed these and many other similar affidavits, and granted the necessary order on each application for a distringas. It was high time that such a

state of things should be done away with by the Common Law Procedure Act.

I attended one day at a County Court upon professional business, and was about taking my seat, when a tall court-keeper wearing a black gown, who happened to know me, thus addressed me: "Mr. Jay, may I beg of you to give up that seat; for a gentleman who comes here every day the court sits always pays me for the seat." "How is that?" I said. He replied, "The gentleman declares that he is tired of comedies and farces at a theatre, and that to his mind there is nothing in the shape of amusement and fun equal to the proceedings of a County Court trial." And was not the gentleman quite right in his opinion? for most assuredly an excellent book might be written upon a twelvemonth's proceedings in a County Court.

I remember being in another County Court when a schoolmaster, keeping a day school, appeared as a plaintiff against the father of one of his pupils, for not having given him a quarter's notice in writing of the youth's withdrawal. The plaintiff made out, as he thought, his case, but could not prove that the notice had come to the knowledge of the defendant, which would have been absolutely necessary had the pupil been a regular boarder. The defendant employed a solicitor, who, confident of putting the plaintiff out of court, brought with him several books, wherein were cases clearly showing the absurdity of

any such notice for a day-scholar. One volume, containing the judgment of the late Lord Chief-Justice Tindal, he held in his hand; and flourishing it about in a triumphant manner, he thus commenced the defence: "May it please your honour, I have here the judgment of one of the most eminent Judges that ever adorned the Bench—that of the late Lord Chief-Justice Tindal:" and after reading it, and stating that it was one of the greatest judgments ever delivered in Westminster Hall, his honour, whose judgment was in opposition to the one cited, holding up both his hands in the air, screamed out, "I have nothing to do with Lord Chief-Justice Tindal or Westminster Hall," and, pointing his finger to the defendant, screamed out in a still louder voice, "How will you pay the money?"

One of the great defects in the speeches of barristers is verbosity; in point of fact—carrying too much sail with too little ballast. A counsel noted for giving enough in the way of words for his fee, after having addressed the jury for more than an hour, received this clever rebuke from the Judge trying the cause: "Mr. ——, you have repeated that observation five times before; but as it was at considerable intervals there is some excuse for you." The barrister felt the rebuke, and sat down almost immediately, he himself laughing at the acuteness of the Judge.

Lord Mansfield used to say, that the quantity of

professional reading necessary, or even useful, to a lawyer, was much less than is generally supposed. But he observed, that "the lawyer should read much in his own defence, lest, by appearing ignorant on subjects which do not relate to his particular branch of the profession, his ignorance of that branch might be presumed."

CHAPTER VII.

Michaelmas Term in Westminster Hall—Reports and reporting by barristers and students—Christian names of the infants of two pettifogging attorneys—Come to settle—Recollections of a writ-server.

THE meeting of the Bar on the first day of Michaelmas Term is quite a gala day amongst Judges, counsel, and attorneys; for it is then that the business of the Law Courts after the long vacation really commences. The procession of the Judges on this occasion, habited in their robes, proceeding through Westminster Hall, is interesting enough to draw together a large concourse of plaintiffs, defendants, and sightseers. The barristers, then in high spirits, are to be seen shaking hands with one another, with ladies, with attorneys, with plaintiffs, and with defendants. The enormous lying which takes place between the members of the Bar during the first four days of this term, about their travels during the long vacation, is quite astounding. According to their respective statements, they have all been abroad, have mixed in the society of the great of other lands, and met with incidents and adventures sufficiently interesting and sufficiently numerous to fill a volume. I was acquainted with a former Queen's Counsel who had such a horror of this lying, that he would never

make his appearance in court on the first three of these days, but just showed himself on the fourth day, to see if there was to be a list of motions for new trials for the fifth day; if so, he then entered his particular cause and made a speedy exit. My friend was a very knowing man and an awkward customer—one not easily deceived. For instance, he detected barristers who, having gone to Switzerland, said they had been to Italy; others who, having been in Italy, said they had been in Asia; and one, more boastful than the others, who said with great pluck that he had been to Astracan, though Margate was the place where he was seen daily during the long vacation; but it was impossible to cross-examine this gentleman about Astracan, none of his listeners having ever been there. I heard my friend the Queen's Counsel say in relation to this lying, "How different is all this from a young barrister, a fellow of one of the colleges at Cambridge, who, seeing the procession of the Lord Chancellor and Judges pass on, said, 'I shall have to go through all this show, the thought of which makes me almost inclined to give up the Law; for I know that I shall be Chancellor one of those days;' and so he was." My friend heard that this young barrister one day met another counsel in very high spirits, laughing; at which he was astonished, knowing him to be poor, and seeing him walking alone. This induced him to ask what made him so cheerful after passing such beautiful jewellers' and other shops. "Why," said the young aspiring barrister, "there is not a single article in

any of these shops that I want to purchase; and is not that enough to make a man in high spirits?"

Quite a different reason for his non-appearance on any of the first four days of term influenced Sir James Scarlett, who had all the business in his own court as well as on circuit, which was very succinctly stated in reply to a query as to his never being seen until the fifth day,—viz. that he never lost a verdict, and had consequently no motion for a new trial to make.

I heard a Q. C. once say that he thought that more men lived, or existed, by reporting than by practising the law in Westminster Hall. I allude to those whom that dire necessity which knows no law has compelled to make literature their support on their way to the Bar. It is well known that a considerable number of the reporters for the public press are Bar students, and that many of the most eminent men by whom our profession has been adorned owed their subsistence during their studentship to the same source. Serjeant Spankie was a reporter on the *Morning Chronicle;* so also was Sir John Campbell. The late Master Stephens was also employed in a similar capacity. Lord Plunket was a reporter for, and afterwards editor of, the *Dublin Patriot.* The proceedings at the bar of the House of Lords, during the progress of the Queen's trial, were reported for the *Times* by an eminent special pleader of our day.

Some years ago the Benchers of Lincoln's-inn passed a resolution, on the motion of Mr. Clifford, of

O. P. notoriety, the effect of which would have been to exclude from the society all persons connected with the public press. A petition was presented to the House of Commons by a gentleman against whom this illiberal resolution operated; and so severely was the conduct of the Benchers condemned in the course of the debate that ensued, that they were induced to retrace their steps. During the debate, Mr. Sheridan stated that amongst those who reported the proceedings of the House there were not less than twenty-three graduates of the Universities of Oxford, Cambridge, Dublin, and Edinburgh. He alluded to the cases of Mr. Burke and Dr. Johnson, as showing how idle it was to connect the notion of a reporter with any thing like a disqualification for the highest offices of the state. Mr. Stephens followed in a speech in every way creditable to him. He declared that he had been a member of Lincoln's-inn for five-and-thirty years; and not only had had no share in framing the by-law in question, but considered it as replete with injustice—a scandal rather to its authors than its objects. "I will suppose," he said, "the case of a young man of education and talent, contending with pecuniary difficulties—difficulties not proceeding from vice, but from family misfortunes. I will suppose him honestly meeting his obstructions with honourable industry, and exercising his talents by reporting the debates of this House in order to attain to a profession. Where, I ask, is the degradation of the employment? Who would be so meanly cruel

as to deprive him of it? The case, sir, which I have now supposed, was, thirty years ago, my own."

We have been informed, however, that the resolution was rather *declaratory* than *creative*, for a custom had formerly existed of considering reporters and persons connected with the press as ineligible for the Bar. And in the case of a learned serjeant, who has since acquired a great reputation as an advocate and as a lawyer, some apprehensions were expressed whether his society would consent to call him, as he was at that time in the gallery. This was Mr. Stephens, who married the sister of the celebrated Mr. Wilberforce. He was a long time in parliament, and made one of the most able replies to a speech of the late Mr. Whitbread. He was for many years one of the Masters in Chancery, and was considered the most able of them. He was the intimate friend of Mr. Perceval, who was shot in the lobby of the House of Commons; and it is universally believed that he would have been Lord Chancellor had he lived. He left two very clever sons; one was Professor of History to the University of Cambridge, and the other Mr. Serjeant Stephens, who published a well-known work on Special Pleading, and the still more celebrated *Commentaries on the Laws of England*, partly founded on Blackstone.

It is well known on the Home Circuit, that nearly two hundred causes are entered at Croydon and Guildford every summer assizes, which last several weeks; and that many attorneys who have

causes for trial there wait to set them down last on the list, for the purpose of reaping a golden harvest. I was once taxing costs, and observing an immense item for several weeks' attendance, I said to the attorney who was concerned for the plaintiff in the trumpery cause, "How do you manage this coining of money without the chance of being transported?" He said, "I enter the cause the last on the list; and knowing that my attendance will come to a large amount, I take lodgings for myself and wife during the whole of the assizes; and I will tell you what happened at Croydon. My wife was confined there of a boy, and I have had him christened *Croydon Smith*. But I know another attorney whose wife was confined at Guildford whilst he was attending the assizes there, and the infant was christened *Guildford Jones*." This abuse has been cured to some extent by an order of Mr. Baron Bramwell.

Some years ago, a gentleman of high and unblemished character, named Pellatt, who was clerk to the Ironmongers' Company and solicitor to several religious institutions, had an only son, a solicitor, who turned out to be very gay. It so happened that the respectable father, just before November Term, was rummaging about in his office, and discovering a declaration against his son—a cause "Jones *v.* Pellatt,"—he immediately went off to the chambers of the plaintiff's solicitor, a man noted for sharp practice. Having informed this solicitor who he was, and what offices he held, he said

in a very low tone of voice, "Sir, you have delivered a declaration against my son. It is the first time that a person bearing the name of Pellatt was ever sued; and I shall pay the debt and costs for the honour of the family." He, being a very old and respectable-looking man, naturally thought that the plaintiff's attorney would feel for him; but he was soon undeceived, for the stern-hearted man of the law applied his mouth to a speaking-pipe, and shouted out through it to his clerks in an adjoining office, "Jones against Pellatt—they have come to settle." This heartless and rough conduct so startled the respectable old gentleman that he nearly fainted away. I need not mention that, in order to avoid further exposure, he paid the debt and costs without taxation.

An attorney employed a man, known familiarly by the nickname Boss, to serve a copy of a writ on a master carpenter, a Mr. H——, who, as Boss shortly afterwards discovered, lodged at a house at Highgate-hill. The defendant was a remarkably good-looking man, dressed well, and had the appearance of a gentleman. Boss having knocked at the carpenter's door, it was opened by a little girl, who, in reply to his question whether Mr. H—— was at home, said he had just left the house to go up the hill. Boss thereupon journeyed up the hill with stick in hand, puffing at each step, for he was not a quick walker. Defendant, hearing the tramping of footsteps behind him, and espying the man whom

he had seen knocking at the door of his lodgings, quickened his pace; and coming up to a large gate he slammed it back as if he were the owner of the premises; and, the gate having settled, he walked leisurely up an extensive lawn in front of the mansion of a gentleman of fortune, with his hands behind him, avoiding turning his face to the road. Boss, who had heard the gate slam, came up to it as soon as it was settled, put his arms on it, and said to himself, "This man surely cannot be the owner of the mansion, for the shrubs do not seem to know him—the laurustinuses certainly do not; so I will give him the Westminster halloo;" and thereupon he shouted out at the top of his voice, "Hulloo! I want to speak to you." The defendant looked round, whereupon Boss went suddenly up to him; and he then, full of trepidation, said, "What do you want with me?" "Here is a copy of a writ," was the reply, which was immediately served on him. The carpenter and writ-server then adjourned to a public-house, the former treating the latter with a steak and plenty of gin, and also giving him a sovereign, on condition that he would say he could not meet with him.

But anent this Boss: there were some good traits in his character. He was very fond of children. I had occasion one day to call on him at his lodgings; but he did not hear me walking upstairs, owing to a heavy shower pattering hard against the window. As I entered the room I found him alone, nursing and caressing a little girl in front of the win-

dow, who appeared delighted with the rain. He was saying to her, "My dear little miss, in about a month's time I will show you some white rain." "What do you mean by white rain?" I immediately inquired. "Snow, of course; and that very soon," was his reply.

A little time before his death he got a Jew to discount a bill of 30*l.* for him. He had great difficulty in getting the money, which he obtained after much assiduity and importunity; and then it was through the sister of the Jew discounter taking compassion on him on account of his wife and family. At length the fatal day arrived on which the bill became payable. Of course Boss could not pay it; of course he went to a public-house and drank punch; and of course he knew of its being due. A notice of that fact having been left at his lodgings, his poor wife brought it to him at the public-house, saying, "My dear, you must immediately come home to attend to this paper." "I shall do no such thing," replied Boss, pulling the bell for another glass of hot punch; "I had trouble enough to get it discounted, and I am not going through the same trouble to get it paid."

I should mention that these writ-servers often take part in funeral processions. I happened to be at Salt-hill one hot summer's day, when I saw Boss sitting by the side of the coachman driving the hearse. When it stopped in front of the inn he got down, and I immediately observed that he was drunk. He touched his hat to me, whereupon I said, "Are you chief mourner?" "No, sir; but I am chief drinker," was his reply.

Before I was aware of any disreputable conduct on the part of Boss, I sent him to my bootmaker's, who resided near Covent-garden Market, to take back one of the boots which he had just made for me, to get it stretched, as it was rather tight to the foot. He returned to my office in the afternoon, and putting on a dismal look, said, "I am sorry to inform you that I put your boot in my coat-pocket, and that it unfortunately slipped out of it before I got to the bootmaker's shop." I rebuked him for his carelessness in good round terms, not suspecting at the time that his statement was untrue. Two days afterwards, in a most suppliant manner he begged of me, as a matter of favour, to give him the odd boot, which, as he said, could be of no use to me whatever. I granted his request. Three days afterwards I encountered the fellow in the street wearing both boots.

This bootmaker was a remarkable man in his way. Having worked very hard for years, rising early and retiring late, he amassed by his diligence a sufficient sum of money to purchase the freehold of the house in which he carried on his business; but it turned out an unfortunate investment. He was for ever quarrelling with most of his customers, saying, "This is my freehold; and if you do not leave directly, I will kick you out." One day he put his threat into execution, and had to pay damages.

Cunning as this Boss was, he was once overmatched by a shuffling pettifogging attorney, occupying chambers on the first floor in the Temple,

after whom he had been hunting for weeks. One morning, when this respectable man of law was ascending the steps leading to his chambers, he turned round and saw the process-server close behind his heels; and in this dilemma, there being no other mode of escape, he ran upstairs a story higher, hearing his opponent saying to himself, "Thank goodness, I have got the bird at last in my trap." The process-server knocked at the set of chambers into which he supposed the attorney had gone; and a clerk, after having asked him to walk in, shut the door. The process-server inquired of the clerk if Mr. —— was in; and upon his being informed "No," he said, "That's all gammon; I saw him go upstairs to your office just half a minute ago; and I will wait here till he comes out of his private room, even if it is all day." "Well," said the clerk, "I will not exhaust your patience. You may go and search in all the rooms;" which he did, and to his discomfiture could find no traces of his bird. The process-server departed crest-fallen; but not so the shuffling, pettifogging attorney, who, on hearing the door of the chambers shut, flew downstairs, and immediately perched himself on an omnibus on his road to Kilburn.

CHAPTER VIII.

Clifford's Inn—George Dyer—Judges and barristers who have been clerks in solicitors' offices—Bigamy—Physic—A barrister getting an appointment before the Test and Corporation Act; his ignorance—Writ-server—Mr. Marryatt, the Queen's Counsel.

CLIFFORD'S INN is the oldest Inn in Chancery. Formerly there was an office there, out of which writs called "Bills of Middlesex" were issued, the appointment to which office was in the gift of the senior Judge of the Queen's Bench. But what made this Inn once so noted was, that all the six attorneys of the Marshalsea Court (better known as the Palace Court) had their chambers there, as had also their satellites, who paid so much per year for using their names; and looking at the nature of their practice, I should say that more misery emanated from this small spot than from any one of the most populous counties in England. The causes in this Court were obliged to be tried in the City of Westminster, near the Palace; and it was a melancholy sight to observe in the court the crowds of every description of persons suing one another. The Judge often had a deputy to act for him; but the most remarkable man there was the extremely fat Prothonotary, Mr. Hewlitt, who sat under him, with a wig on his head like a thrush's nest, and with only one book before him, which was

one of the volumes of *Burn's Justice.* I knew a respectable gentleman, Mr. G. Dyer, who resided in chambers (where he died) over a firm of Marshalsea attorneys. This gentleman had been a Bluecoat boy, and went as a Grecian to Cambridge; and after completing his studies at that University, visited almost every celebrated library in Europe. It often struck me what a mighty difference there was between what was going on in the one set of chambers and the other underneath. At Mr. Dyer's I have seen Sir Walter Scott, Southey, Coleridge, Lamb, Talfourd, and many other celebrated *literati;* all of whom often presented themselves there at different times, for the purpose of sucking his brains, which were of but little advantage to himself, though of essential use to others. In the lawyers' chambers below were people wrangling, swearing, shouting, and sometimes fighting; the only relief to which was the eternal stamping of cognovits, bound in a book as large as a family Bible. I must not omit to state that the Lord Chief-Justice of the Common Pleas and Lord Chelmsford at one time practised in the Palace Court, and that they purchased their situations as counsel for a large sum, and afterwards sold them. It was not a bad nursery for a young barrister, as he had an opportunity of addressing a jury. There were only four counsel who had a right to practise in the court; and if you took a first-rate advocate in there specially, you were obliged to give briefs to two of the privileged four.

It was a fortunate day when compensation was

paid, and the Court which had been the origin of so much bad feeling in the community was closed for ever. One day a gentleman told me he was rambling in one of the metropolitan cemeteries, and recognised on a tombstone the name of one of the compensated Marshalsea attorneys who had the ground-floor of poor old George Dyer's chambers; on it was inscribed, in deep-cut letters, "Blessed are the peace-makers, for they shall be called the children of God."

There is a very neat hall in Clifford's Inn, in which capital dinners are given; and formerly the society that met there was pleasant, select, and all attorneys; but lately they have admitted several barristers, and since then it has been apeing an Inn of Court. However, I was delighted to learn from one of its members that they will never admit another barrister into the society. George Dyer wrote the biography of the famous Robinson of Cambridge, and also the history of that University.

Coke, the great luminary of English jurisprudence, was educated at Cambridge; and after having resided at Clifford's Inn for a year, entered himself at the Inner Temple. He very soon acquired such a knowledge of the law, that he excited the attention of the Benchers; to which circumstance he probably owed his early admission to the Bar.

A clerkship in a solicitor's office has also been recommended by high authority as a useful school for the Bar. Lord Tenterden, when he resolved to turn his attention to the law, was for some time in

the office of a large firm in Craig's-court. This step he was induced to take upon the recommendation of Judge Buller. Mr. Bentley, the conveyancer, was for a considerable time in one of the principal agency houses in London, and has been often heard to declare that he owed to the habits he there acquired a facility in mastering every case that came before him, however difficult or repulsive it might be. This gentleman, who was eminent in his branch of the profession—and there is none that requires more positive learning—never enjoyed the advantage of pupilage in any barrister's chambers. All the information and experience he obtained he acquired during his clerkship. Chief-Baron Thompson commenced his legal studies in an attorney's office, as also did Lord Wynford and Sir William Grant. Lord Thurlow was articled, together with Cowper the poet, to a solicitor near Bedford-row; and his predecessor, Lord Hardwicke, passed through the same ordeal. Dunning was in his father's office for some considerable time. Lord Macclesfield actually practised as an attorney. Lord Kenyon served his articles. Sir William Garrow passed some time in a solicitor's office, as did Sir Samuel Romilly. Lord Gifford was regularly articled, as also was Lord Lifford, Chancellor of Ireland, and Sir George Wood and Sir Francis Buller, very learned and distinguished Judges.

If we had to refer to eminent men almost of the present day, we should find little difficulty in pointing to some great names who have ascribed their

success in life to the training they have received in attorneys' offices. The names of Wilde, Adolphus, Preston, the late Lord Justice Knight Bruce, the present Mr. Justice Montague Smith, and many others, could readily be mentioned. Lord Brougham once actually declared in the Court of Chancery that if he had to recommence his legal studies he would begin as a clerk in an attorney's office. These are, most assuredly, strong testimonies in favour of this line of study; and there can be no question that in a solicitor's office much miscellaneous knowledge of great use may be picked up.

A labouring man, of sober habits and fond of home, unfortunately married a woman who, in her extreme love for the gin-shop, not only spent the greater part of her husband's hard earnings there, but frequently pawned his wearing apparel. At length her course of dissipation led her to leave her husband's home, and form a connection with a labourer quite as fond of tippling as she was. A few years after this desertion the husband committed bigamy, by marrying a young woman of his own rank in life of very domestic habits. For this act he was committed to take his trial at the ensuing assizes for ——, which came on about a month after such committal. He was found guilty; but all the extenuating circumstances came out in evidence on his behalf. Upon the verdict being delivered the Judge thus addressed him: "Prisoner at the bar, you have committed a grievous offence in the eyes of the law

and against the well-being of society; and punished you must, in consequence, be. You should have instructed an attorney to have brought an action at law against the fellow who had dishonoured you for *crim. con.* After obtaining a verdict in such action against him, your next step should have been to have employed a proctor to take the necessary steps on your behalf in the Ecclesiastical Court. That done, you should have employed a solicitor and parliamentary agent to bring your case before the House of Lords on petition for a divorce, supporting such petition with the necessary evidence to get a bill for that purpose passed in that assembly. This done, the bill should then have been taken to the House of Commons to be passed there; after which the Queen's assent to the act of parliament would have been obtained, which would have dissolved the marriage with your worthless wife, and allowed you to marry the woman with whom you have committed bigamy. All this you omitted to do; and having broken the law, you must receive the sentence of the Court. It is, that you be imprisoned for one day, and then discharged."

This judicial sarcasm on the then existing state of the law was uttered only a few years prior to the creation of the Court for the trial of matrimonial and divorce causes; and coming from such an experienced Judge as the late Mr. Justice Maule had its weight in the passing of the act.

A Judge who knew a little of commerce as well

as of law, in a recent trial gave the following advice in court to a lady defendant, in an action which an apothecary had brought against her for an enormous bill, as long as an American sea-serpent, for bottles of medicine supplied by him to her. She defended the action, and had the pluck to get into the witness-box to complain of the amount of the bill, and the dozens upon dozens of physic-bottles which had been sent to her. The Judge turning round to her said, "Madam, the next time you have such a quantity of medicine, have it in the wood: it will save you expense."

The members of the Bar were formerly not much noted for a knowledge of religion. At the commencement of my career I was acquainted with a barrister who had never, during the course of his life, entered a church, his parents being Dissenters. Having, prior to the passing of the Test and Corporation Acts, obtained an appointment from Government, it became necessary that he should receive the Sacrament. He accordingly attended the parish church on the following Sunday, and heard the prayers and the sermon; and although he had a Prayer-book in his hand he did not know where to open it at the right place, or when to stand up or sit down. The service being over, he took it for granted that the Sacrament would follow, and consequently remained in church. He then listened to what he thought was the Sacrament; and, after the clergyman had concluded, he followed him into the vestry,

and, after announcing his name, stated that he required a certificate of his having taken the Sacrament. The clergyman, looking at the barrister with astonishment, said, "Really I cannot give you a certificate, for the service you listened to was the Churching of Women." This ignorant mistake of the barrister was soon circulated amongst the members of the Bar on his circuit; and many were the jibes levelled at him, much to his annoyance.

A young barrister jocosely telling him of his mistake, he replied, "I bet you five pounds that you cannot repeat the Lord's Prayer." "Done!" said the young barrister, who, after the money had been staked, was desired to repeat it; and he, full of confidence, said, "I believe in God the Father, God the Son, and God the Holy Ghost, and in all things visible and invisible. Amen." A similar story is told of a bet between a soldier and a sailor, that the latter could not say the Lord's Prayer: the sailor said the Belief, and the soldier paid him.

My friend the barrister had a clerk quite as ignorant as himself in matters of religion, to whom he was much attached, probably on this very account. Upon his master's appointment he left him, and went to sea. The ship in which he sailed having struck upon a rock, during a very violent storm, the captain, after having ordered the boats to be lowered, immediately called over the names of the crew and the passengers, when he discovered that the barrister's clerk was absent. He therefore ordered one of the sailors to go down into the cabin

and bring him upon deck. To his astonishment, the sailor espied the missing individual kneeling with his hands clasped together, and heard him repeating over and over again, "How doth the little busy bee improve each shining hour!" Whereupon the sailor rushed at him, and catching him by the nape of his neck said, "Hang the bee! go upon deck and get into the boat, or else you will be drowned."

And do not these repetitions of religious language uttered by this man show the tendency of the common mind to imagine that the Almighty is pleased and propitiated by the reiteration of religious language, quite apart from any ideas of its meaning? The responses of charity-children in church amount to the same thing.

But in reference to the ignorance of the barrister who was unable to repeat the Lord's Prayer, I have stated in the Recollections of my late father, the Rev. William Jay of Bath, that it was his practice to keep open in his pulpit the page of the New Testament containing that prayer, because, having forgotten it upon two or three occasions, he resolved not to undergo the like annoyance for the future. And in reference to the barrister's clerk repeating the two lines from one of Dr. Watts's hymns for children, it was doubtless his recollection, in a moment of danger, of the early piety instilled into his mind by a religious mother.

A cunning writ-server, among his other exploits, signalised himself by serving a gentleman living at

Hackney with a copy of a writ—a feat which no one else of his fraternity had been able to accomplish. The gentleman had, for very potent reasons, never allowed anyone to see him at his house; but he was constantly in his garden, in one part of which he kept many fowls. At the back of this garden there was a wall, in which there was a small door, which was always kept fastened. The process-server, finding that nothing could be done at the front of the house, discovered the back of it through 'tramping over some fields; and, observing that there was a small opening in the garden-door, and that he could see the whole length of the garden through it, he procured an egg, and, after carefully cutting it in two, enclosed therein a copy of the writ; which done, he with much skill fastened the two parts together with cement; and, the eggshell with its contents being very light, he threw it over the wall on the grass-plat, where it safely alighted without breaking. It was not long before the process-server espied, through the opening in the gate, the gentleman walking on the grass-plat, who, on observing the egg upon it, took it up and said, "Why, one of my hens has laid me an egg for breakfast on the grass-plat!" No sooner had he uttered these words than the egg separated in his hands, and the copy of the writ then became visible. At the same time he saw a large pole above the wall, with the parchment writ stuck at the end of it, and heard the process-server shouting out at the top of his voice, "Here's the original writ." But the most amusing part of the whole affair was the at-

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tempt of the gentleman, whilst the proceedings were going on, to set aside the service by a summons before a Judge at Chambers, on the ground that he had never been served with process; but the Judge, on reading the affidavits, amidst roars of laughter, decided that it was a good service: and amongst process-servers it is known to this day as "the eggshell case."

A well-known lawyer, Mr. Marryatt, declared that he never opened any book after he left school but a *law*-book. But Mr. Marryatt was certainly no instance in favour of such a practice. Once, when addressing a jury, he was speaking of a chimney on fire, and exclaimed, "Gentlemen, the chimney took fire; it poured forth volumes of smoke—volumes, did I say? whole encyclopædias!" Mr. Marryatt was called a great case lawyer, and had formerly practised at the Old Bailey Sessions. He was made Queen's Counsel on the same day as the late Mr. Baron Gurney, who then left the sessions for ever.

CHAPTER IX.

Lord Northington and his white stockings on a dirty day—Two attorneys—one a rogue, the other a fool; the fire, and the insurance paid—A quack aurist and his patient a barrister—Remarks on authors who criticise law tales—Prebendary of Norfolk—Printer's boy plaintiff in a county court—A county court judge's decision against a publican.

YEARS ago, on a dirty day, whilst walking along Parliament-street very plainly dressed, the Chancellor (Lord Northington) picked up a handsome ring, which was, according to custom, immediately claimed by one of the fraternity well known as ring-droppers. This gentleman feigned exceeding delight at recovering an article of such value, and begged the Chancellor, whose person he evidently did not recognise, to accompany him to a neighbouring coffee-house and partake of a bottle of wine. To this Lord Northington, who was fond of a joke, readily assented; and they adjourned to a tavern in the neighbourhood, where they discussed the news of the day over a bottle. They had not been seated long before other gentlemen entered, all of whom, the Chancellor observed, appeared acquainted with his friend. The conversation on this became general; when at last one of the company proposed a game of hazard, to which another objected, and observed in an undertone of voice, which however did not escape his lordship's

cars, "D— the loaded dice, he is not worth the trouble; pick the old flat's pocket at once!" Upon this the Chancellor discovered himself, and assured the company if they would confess why they supposed him such an immense flat, he would say nothing to the police about them. One of them replied, "We beg your lordship's pardon; but whenever we see a gentleman in *white* stockings on a *dirty* day we consider him a regular pigeon, and pluck his feathers as we should have plucked your lordship's."

Two tailors, who had married two sisters, resided in a large house near Cork-street. The dwelling was separated by a wide stone staircase, one tailor residing on the east, and the other on the west of it. Their wives had agreed that the stairs were to be cleaned alternately every week by each of their servants, and the arrangement was carried out to the letter for years; and in the mean while great was the success of the tailors. At length the day arrived when the wives unfortunately quarrelled about the cleaning down of the stairs, and the poor husbands having become entangled in this petty wrangle, they dissolved partnership, gave notice to quit the house, and their names soon appeared in the *Gazette* as bankrupts. The solicitors who had the management of this bankruptcy were brothers, and had, like the tailors, married two sisters. They went on prosperously for a few years; but at length they quarrelled about a less trivial cause than the tailors had, and a separation ensued. The one, who was a rogue, had a family;

but the other, who was a fool, had no children. An attorney, meeting the rogue one day after the dissolution, said to him, "I have got one of your clients." "He can't be worth much," was the reply; "I never part with one so long as he has a sixpence." The two brothers having lost all their clients sued each other; but being overtaken by great distress they became reconciled. Many were their plots and contrivances to obtain money; but they all failed. At last a thought struck the rŏguish attorney, and addressing his brother he said, "I have got about a hundred pounds' worth of furniture left. We will take an old house with a lease; and after we have been in it a few months, we will set fire to it, and get the insurance money." The house was taken and furnished; and they contrived to live in harmony there for a few months. The fogs of London coming on, the rogue said to the fool, "Now's the time to fire the house." Every thing was planned to the advantage of the rogue; for, the fire having been kindled, he went into the street to make his observations, while his brother remained in the house as he was instructed. After a little time the flames began to rise; and whilst the rogue was watching their progress he saw the street-door open and his brother in the act of coming out of the house. He rushed at him and said, "Get in, you fool; it is not half set fire to yet." His brother said, "I am very much burnt in the calf of my leg." He suddenly pushed him into the passage, saying, "Set fire to another room, or it will go out," and closed the door against him for ever,

for he perished in the flames. The rogue received the insurance money from the fire-office, who did not care about contesting the matter, especially as the rogue's brother was burnt to death.

Whilst correcting the proof-sheet connected with this rogue and his brother, I had at the same time the correcting of a proof-sheet of one of my late father's *Morning Exercises,* a new edition of a work which has had the most extensive sale of any religious book for the last forty years. In the Exercise to which I allude there is this mighty contrast to these worthies, which I relate in the words of my father. "In the world we may have losses, but they cannot affect our estate. 'I one day,' says Mr. Newton, the rector of St. Mary Woolnoth, Lombard-street, 'visited a family that had suffered by a fire, which had destroyed all the house and the goods. I found the pious mistress in tears. I said, "Madam, I give you joy!" Surprised, and ready to be offended, she exclaimed, "What! joy that all my property is consumed!" "I give you joy that you have so much property that no one can touch." This turn checked the grief; and she wiped away her tears, and smiled like the sun shining after an April shower.'"

I knew an attorney who had been professionally concerned for many years for an aurist who was a perfect quack, and very illiterate; he had got him through many scrapes, and had succeeded in an action which had been brought against him for libel.

This client, whose business was fast melting away, told his attorney that nothing could save him from ruin but writing a book upon the ear. "Well, then," said the attorney, "why not write it at once?" His reply was, that he had not sufficient talent for the task. The attorney said, "I have a brother who is an usher in a school, and a scholar; he shall write it for you; and I have another brother who is a printer, and he shall print it for you." The aurist straightway went to the usher upon the matter, who, although he knew nothing about the subject, yet, by means of compiling from encyclopædias and medical works treating upon the ear, made a first-rate book. For a time the work brought the aurist money and patients; but at last the expenses of a large establishment were too much for him; at which juncture the bill for printing and binding was sent in to him by the attorney's brother, the printer. What was now to be done? The lawyer recommended the *Gazette;* in which his name soon appeared as a bankrupt. So that the aurist had enough of this family; one of whom was his legal adviser, the second the author of his book, and the third its printer. The work, however, did him some service; for the late Duke of Cumberland, through the mere reading of it, and without any other recommendation, professionally consulted him.

This aurist had a novel mode of practice with women, who came to him by shoals to consult him on a certain day of the week in which he gave "advice gratis." In order to discover whether those who per-

sisted that they were not quite deaf were really so, he used to fire off a little brass cannon close to their ear, and would then write on a slate, "Did you hear any thing?" If they said "No," he would say, "You are really deaf; I can do nothing for you."

Generally speaking, aurists can do very little good. An attorney in the west of England had as his guest the celebrated Mr. Abernethy. One day, whilst riding together in a carriage, the attorney said to Mr. Abernethy, "I am rather deaf in one ear, and have got a singing in it; is there any cure for it?" The doctor with his frankness slapped his host on the thigh, saying, "My dear sir, if I could cure it, I should make a million a year in Europe; for four out of every ten persons are affected with it more or less."

I was acquainted with a barrister who, having deafness and singing in his ears, went to an aurist for advice. The professional went through the old story of making inquiries as to his age, habits, &c.; and after placing a watch at the end of a long tube, asked him if he could hear the ticking? "O, yes," was the response. "Then I would advise you to have a blister at the back of the ear, be immediately bled, and take the powerful medicines which I will prescribe." The barrister did so; and the result was that he became almost totally deaf, and was taken at last with a fit in the street. Deserting the aurist, he went for advice to the celebrated Dr. Bright (the brother-in-law of the late Sir William Follett), who, upon hearing his patient's statement,

said, "The remedies you have had applied to you were most pernicious and dangerous, and I am only astonished you did not die under them. I can do nothing for your deafness and the singing in the ear; but I advise you to have in your pocket, in case you should have another fit, these words written on your card, 'Do not bleed me.'" The barrister, enraged at the conduct of the aurist, called on him the next morning with the intention of severely reprimanding him for his dangerous remedies and want of knowledge. The professional received him, as he had received his innumerable fees, with high glee. The barrister, after almost insulting him, was about leaving the well-furnished house, when the aurist said, "Sir, I can cure you now." The barrister, eager to recover his hearing, said, "Well, sir, how can you effect it?" The aurist, in order to have his revenge, cunningly inquired, "What did you take for breakfast this morning?" "Tea." "Then," said the professional, "take coffee to-morrow," and slammed the door in the barrister's face.

The public read these quacks' lectures in print; but little know how they are got up, or to whom they are addressed. A lecture is announced in several of the daily papers to be delivered by the quack on a given day to his pupils, of whom he probably has not one. The day arrives for this lecture; the audience consists of the housemaid, a charwoman, and the man-servant with a blue coat and raspberry-jam waistcoat. The lecture is soon read; but it finishes generally in these words: "My

dear young friends, do not despair in your profession; your lecturer was for three years with only three patients, but by industry and perseverance he has now got on his books thirty-four generals, eighteen admirals, eleven bishops, and three judges, besides deans, archdeacons, and several of the clergy and country gentlemen." The public read these printed lectures, and no wonder they are taken in.

Novelists and fiction-writers are always complaining of the inaccuracy of law stories; but I have often been amused at the mistakes into which these authors themselves fall in their pleasant romances and novels, in matters connected with law and fact, of which they are entirely ignorant. Prior to my relating four specimens of such ignorance, which occur to me, serving to illustrate the truth of the proverb that "A cobbler should not go beyond his last," I will quote what a great novelist says in the preface to his *Night and Morning:*

"Humbly aware of the blunders which novelists not belonging to the legal profession are apt to commit when they summon to the *dénouement* of a plot the aid of a deity so mysterious as Themis, I submitted to an eminent lawyer the whole case of Beaufort *v.* Beaufort, as it stands in this novel; and the pages which refer to that suit were not only written from the opinion annexed to the brief I sent in, but submitted to the eye of my counsel and revised by his pen. N.B. He was fee'd."

Now for the four examples.

Captain Marryat (who was a client of mine in a very important matter, in which it was attempted to be made out that he was a partner with a bankrupt bookseller) in his pleasing tale of *Valerio* makes a good deal of use, so far as the story goes, of one "Mr. Selwyn the solicitor," of Lincoln's-inn-fields; and, probably to render poetic justice, committed the absurdity of promoting this respectable *solicitor* to be a *Judge* of the Court of King's Bench—an utter impossibility.

As a match to this perhaps I might cite Mrs. Trollope's story of the *Widow Barnaby*, in which she makes two *Bow-street* officers play the part of bailiffs in arresting the bonny widow for debt, confounding *criminal* officers with a *civil* transaction.

The third example is found in one of some very vigorous tales which first appeared, I believe, in the *Dublin University Magazine*, by a constabulary officer, called *Curiosities of Detection*. In one of these tales—"James M'Grath, or Time changes"—the hero James is, through false swearing and misrepresentation, convicted of robbery, &c., and is transported for fifteen years. After an imprisonment of about a year in a gaol at Hobart Town he contrives to effect his escape, and after various adventures turns up again as captain and owner of a fine merchant vessel; but he belies the allegation throughout the story, that he will wait the expiration of his "time"—viz. the fifteen years—before he returns to Ireland again *a free man*, and presents himself there before the Encumbered Estates Court, and, with his solicitor at his elbow,

bids for and buys the estate of his former persecutor, and somewhat melodramatically declares who and what he is, exclaiming "that he had lately returned to his native land an independent honourable man;" and this in full court, before my lord the Queen's Judge there. Now how was it, I would ask, that the Captain was not taken into custody on the spot, and sent back to finish his original sentence? for nothing is said of his having obtained a free pardon, or any thing of that sort.

To my fourth example. In one of the shilling volumes recently published for the benefit of railway travellers, entitled *Ralph the Bailiff, and other Tales*, the authoress, indulging in a wonderful tale called "The Mysteries at Fernwood," at once goes beyond her "last" in boldly stating of twins that the one, who had been a hopeless idiot from his youth, had killed his brother, for which "he had been tried at York and transferred to the county asylum, there to be detained during her Majesty's pleasure;" adding, "the Fernwood property (forfeited by the idiot's crime, but afterwards restored by the clemency of the Crown) had passed into the hands of the heir-at-law." So the authoress was misled by supposing this "irresponsible creature," as she terms him, to have been guilty of *wilful murder*.

The late Rev. Mr. Methold, Prebend of Norwich Cathedral, and for a long time Chairman of the Suffolk Sessions, had, as a magistrate, the advantage of having previously often sat on the bench with the

magistrates at Bow-street; through which circumstance he became, as my late friend Mr. Prendergast remarked, so efficient a chairman. One day a notorious thief, who had had the talent of eluding the grasp of every constable, was at last caught, tried, and found guilty. Immediately after conviction some constable got up, and addressing the chairman said, "I believe the man has been convicted several times." "That's false!" replied the prisoner; "I have never been convicted, your worship." "Then you ought to have been," said the magistrate; "for I have known you many years as a nuisance to the county."

To show how business has altered since those days, from the various changes in the criminal laws, I have heard my friend say that he has brought away three hundred guineas out of the gaols of Suffolk at one circuit. Nowadays a barrister would be glad to get thirty guineas.

I was present in a County Court, when a young printer's boy, who, like most of his class, was a very intelligent youth, appeared there as a plaintiff to recover the sum of one shilling; and he thus concisely stated his case: "I went late at night, your honour, to the defendant's pie-shop, with a two-shilling piece in my hand, to purchase for two compositors in my employer's establishment two sixpenny pies; and on throwing down the two-shilling piece on the counter to pay for them I received a shilling in change. I returned with the pies and the shilling, which was soon discovered to be a counterfeit. I then went

back to the shop, and told the people there that they had given me a bad shilling; but as they denied having done so, I put the defendant into your honour's court." The statement ended, I felt anxious to hear what the defence could be; when to my astonishment the old pieman, his two daughters, and a shopwoman, in succession got into the witness-box, and swore positively that they had never given the bad shilling to the boy. Whereupon the Judge said to the young plaintiff, "My little lad, I must give judgment against you, for there are four witnesses to one." The boy said, "I am very sorry for it, your honour; but I wish you could see in their shop a wooden bowl full of bad money which they have taken, for they keep open all night." The Judge immediately called one of the pieman's daughters back, and asked her if what the boy had said about the bowl and the bad money was true. She replied that it was. "Then," said the Judge, "I shall give judgment for the boy;" who of course left the court highly delighted with the decision.

Being much pleased with the decision of the Judge in the pie case, I remained to listen to the next plaint, which was brought by a young servant girl to recover damages in trespass against her late master, a ferocious-looking publican, who, after beating and kicking her in a most brutal manner, turned her out of his house late on a cold winter's night. She gave her evidence with simplicity and truth, and stated the nature of the injuries she had

received through the unmanly violence of the ruffian. The publican in his defence stated that the plaintiff was a most abusive woman, and was very drunk; and that in order to put her out of his house he used no more force than was absolutely necessary. A poor creature of a potboy having sworn to the same effect, the publican put into the witness-box his only daughter, an interesting-looking girl, who also corroborated the evidence of her father. The Judge, who was a good-hearted man, addressed the young servant thus: "My poor girl, I must give a verdict for the defendant, for there are three witnesses against you." Upon which she replied, "Although the defendant's daughter has given evidence against me, your honour, if you had seen her crying whilst she saw her father beating and kicking me—" "Stop," said the Judge, "where's the daughter?" who immediately stepped into the witness-box. The Judge then asked her whether it was true that she was crying whilst the ill-treatment was going on. She began crying, and said, "What the servant-girl has stated is true." The Judge immediately gave a verdict for twenty pounds in favour of the plaintiff.

I have related these two simple cases, because in my opinion the decision in each of them nearly approaches to the wisdom of Solomon.

CHAPTER X.

The Old Bailey—The Black Sessions—Mr. Allen—Sir John Sylvester—Mr. Beckwith and the execution in front of his shop in Skinner-street—Sir William Garrow—The trial at the Old Bailey of a sailor for passing a forged one-pound note.

On the 11th May 1750, the sessions began at the Old Bailey, and continued for some days, in which time a great number of malefactors were tried; and there was present in court a vast concourse of persons to hear the trial of Captain Clarke for killing Captain Innes, both officers in the Navy. It was generally supposed that the air was at first tainted from the bar by some of the prisoners, then ill of the gaol-distemper; and the poisonous quality of the atmosphere was considerably increased by the heat and closeness of the court, occasioned by the number of persons penned up for the greater part of the day without breathing the free air or receiving any refreshment. The Bench consisted of six persons,—Sir Samuel Pennant, then Lord Mayor; Lord Chief-Justice Lee; Sir Thomas Abney, Justice of the Common Pleas; Baron Clarke; and Sir Daniel Lambert, alderman and M.P. for London: whereof four died, together with two or three of the counsel, one of the under-sheriffs, several of the Middlesex jury, and others present, to the number of about

forty in the whole. This event is noticed by Lady Huntingdon in one of her letters, in which she laments the death of an intimate friend, Stanhope Otway, Esq., barrister-at-law, who went the Western Circuit, and if he had lived would have led it; whose sudden decease was improved by Mr. Whitefield at Ashby before a numerous congregation. A narrative of the awful circumstances connected with the Black Sessions at the Old Bailey was drawn up by Dr. Pringle, afterwards Sir John Pringle, son-in-law of Dr. Oliver of Bath, the particular friend of Lady Huntingdon.

Unhappily for the scheme of the New Jersey College, Mr. Allen, who came over on purpose to negotiate it, was smitten by the fatal infection which during the summer of this year was so prevalent at the Old Bailey, and died about two months after his arrival in England.

The Black Sessions is often mentioned by persons who suppose that it got its name from the number of prisoners who were executed for passing forged one-pound notes; but that was not the case: it took its name from the frightful epidemic I have just described.

Sir John Sylvester, who was for a long time Common Serjeant and Recorder of London, rendered himself exceedingly obnoxious by the violence of his temper and his utter disregard of the rules of courtesy. It has been said that he actually used to call the prisoners' calendar "a bill of fare."

Sir John Sylvester was the son of a Jewish or Portuguese physician, and obtained practice by a constant attendance at all the petty courts of the metropolis. He was exceedingly dark in his complexion, and thus obtained the cognomen of "Black Jack."

The said Sir John resided in Russell-square, and walked to the sessions every morning, there and back. At this time a great number of prisoners were tried for stealing watches. Before some of them were found guilty, the recorder asked them how they became possessed of the watch. They usually replied that they had picked it up in the street. He would immediately say to the prisoner, "I live in Russell-square; and while I am walking to and from these sessions I always make a point of looking out for watches, but never found one yet." The prisoners often smiled at the remark.

Sir John Sylvester was very fond of talking on the Bench; and one morning, being rather late (for he was usually very punctual), he looked at the Old Bailey clock, which had stopped; upon seeing which he immediately felt for his watch, and foolishly said, loud enough to be heard in court, "I have left it in the watch-pocket which hangs over my pillow." A sharp thief, who happened to be in court and knew his address, immediately hastened to his house in Russell-square, and told the servant that the recorder had left his watch in the watch-pocket over his bed. She, being a country girl, ran upstairs, brought down the watch, and gave it to the thief. Of course the recorder never received it; and on that account every

watch-stealer, after the occurrence was made known to his lordship, was punished twofold. He lost his watch, and with it his temper.

At the riots which took place during the time of Henry Hunt and the Spafields meetings, there were three men tried for entering the shop of Mr. Beckwith, a gunmaker and common-councilman, of Skinner-street. They were tried, found guilty, and sentenced to death. But the most extraordinary part of the proceeding was, that Lord Eldon insisted upon their being executed in front of the shop in Skinner-street, much to the annoyance of Mr. Beckwith, who petitioned Lord Eldon and the government of the day that the execution might take place at the Old Bailey. The petition was in vain; the scaffold was put up in front of the shop, and I saw them hanged. One of them was a poor sailor, who cared so little about it that he laughed on the scaffold before the drop fell, and would have danced had he been permitted to do so. The evidence against them was very slight, and party spirit was running very high at the time; but among the mob in Mr. Beckwith's shop, and who shot at Mr. Platt and wounded him, was a young man named Watson, who was a surgeon and son of the celebrated Doctor Watson, who was executed at the Old Bailey for high treason. Of course the government of the day offered a large reward for his apprehension, which increased every month, till at last it amounted to twelve hundred pounds. The ships were searched, and every means

taken to secure him; but all was of no avail. He showed such ability and skill in avoiding the officers, that six months passed away without any tidings respecting him, and there appeared to be a reaction in the public mind in his favour. The way he escaped was this:—On leaving Beckwith's shop he went to a friend who was a working shoemaker opposite the very spot where, had he been taken, he would have been executed, and lived and boarded with him for six months, and learnt the trade of shoemaking. Of course no officer ever thought of searching for him in such a place. During this confinement he was constantly annoyed by different parties calling to know what the shoemaker would let his room for if young Watson was taken. Sometimes he would walk out at night; but at last he left for Liverpool in the garb of a Quaker, put caustic on his face, and sailed for America, where I have heard that he is still alive and practising as a medical man.

Sir William Garrow, who practised so many years at the Old Bailey, was the brightest ornament of that court. His speech on the prosecution of Patch for shooting his uncle at a house near the banks of the Thames was the best speech for a prosecution that was ever made in a criminal court, and it went through many editions. He also succeeded as a Nisi Prius advocate, though he was opposed generally to Erskine and some of the greatest men of the day. He had a beautiful large blue eye and a most intel-

ligent countenance. He often used to turn round to the attorney, and say, "Is this witness telling the truth? If not, I'll make him." And so he generally did, for he was noted as, and was admitted by the Bar to be, the best cross-examiner. He was made Attorney-General; but he did not succeed in that situation, not being considered a good lawyer. His old clerk showed me his fee-book, by which it appeared that he had more specal retainers for the circuit than any other gentleman at the Bar. He gave up the Attorney-Generalship, and accepted a Puisne Judgeship in the Court of Common Pleas before it was thrown open, so that he had very little to do as a Judge.

It has been reported that when Lord Eldon was sitting in the House of Lords upon a very important peerage case, he said, "Send for Mr. Attorney-General." It was some time before he made his appearance. When he did, Lord Eldon, who had lost his temper by waiting so long, exclaimed, "I suppose you have been in some horse cause?" Garrow's only answer was, "Yes, my lord, I have,—and I gained it;" which amused many of the Lords.

I was one day present at the Old Bailey during a most distressing scene that took place in court. A fine young sailor was taken into custody in Pall Mall for passing a one-pound note which he took at Mother H——'s, a notorious supper-house near Drury-lane Theatre. He was committed by the Bow-street magistrate, and sent to Newgate to be tried at the

next sessions. At this time every prisoner found guilty of forgery was sentenced to death, and was sure to be hanged. It was just at this time that the country began to be disgusted at the frightful number that were executed in a year for such a class of offences, and even many of the Judges did all they could to save the prisoners. The Judge on the present occasion was old Mr. Baron Wood, who was a great lawyer and pleader, and who had a perfect horror of these trials, and summed up a case before the one in question so much in favour of the prisoner that the jury retired for two hours before they found him guilty. The sailor had just returned from sea, when he soon spent all his money in bad company. The captain was known to have sailed with his ship (which was proved as a fact to the court) on his return to the East Indies, so that he could not be called as a witness for the defence. The prisoner had a brother who was a common-law clerk, with a good salary, and who was a most respectable man. He drew up a brief, and gave it to counsel. When called upon for his defence, the prisoner said he took the one-pound note of the captain in Pall Mall. The jury and judge almost believed the statement; when a sharp-looking fellow came up to the brother and said, "If you will get into the box and swear that you saw the captain give it to him, as the captain has gone to sea, he will be sure to get off; if not, he will be hanged." It was frightful to witness the anxious state he was in on hearing this advice; one minute saying he would get into the box and save

his brother, and the other that he would not commit perjury; nor did he, although many others advised him to swear. His brother, after the jury had consulted for three hours, was found guilty, and hanged. The clerk regretted not having saved his brother's life; it broke his spirit; he gave up his situation, and sailed for Australia, but died before he arrived.—Reader, what would you have done?

CHAPTER XI.

The Old Bailey—Sir Nathaniel Hart—Cross-examination by an eccentric counsel—The late Serjeant Hill's absence of mind—A good brief for a barrister every session—A counsel taking a small fee—Serjeant Davy accused by the Bar of taking silver—Mrs. Fry and the convicted schoolmaster—The value of an alibi.

A FEW more recollections of the Old Bailey. What a name! known all over the world as a terror to evil-doers. The building tells its own tale; and never did architect imagine so good a plan for such a purpose. What anxiety and grief must have taken place in that prison and court! and what Robert Hall said on another occasion will well apply here: "Were the whole misery to become animated and vocal, would it be possible for her to utter a groan too deep, or a cry too piercing, to express the magnitude and extent of her suffering?"

I once heard Sir Nathaniel Hart, who was Lord Chancellor of Ireland, and afterwards Master of the Rolls in England, say that he spent early in life a year at the Old Bailey, and that he could never think of it without horror and disgust. Certainly at that time it was a different place from what it is now. The trials were more interesting, because the crimes were greater, and there were so many more executions. I heard the late Mr. Serjeant Wilkins say that the barristers did their business very well up

to conviction. He meant that the cross-examination of the counsel invariably convicted the prisoner. When he first left Manchester and came to the Old Bailey, he was very much struck with an old counsel who practised in that court, and who asked questions which appeared to have nothing to do with the case. One day, when this barrister was about to cross-examine a very important witness, he felt in his pocket for his brief, and exclaimed, "I have left it at my chambers." Feeling again in his pocket, he said, "I have got—", and pulling out of his pocket, instead of the brief, a slice of dry toast from a quartern loaf, the Judge, jury, and court were convulsed with laughter; but he seized the opportunity to go on with the cross-examination, asking the witness whether or not he kept rabbits, and whether he always carried an umbrella, and such-like questions; anything, in fact, to amuse or confuse the witness. Serjeant Wilkins says: "It was the first time I heard him cross-examine, and I thought he was a fool; but I soon learnt that he knew more of his profession than the opposing counsel; and I obtained, while listening to him, a great deal of knowledge upon the subject."

This reminds me of what was said of the celebrated Serjeant Hill, who was subject to the same fits of absence of mind. Once when arguing a point of law for some time at Nisi Prius, he put his hand into his bag, and drawing forth a plated candlestick, gravely presented it to the court. Some one, it ap-

peared, had substituted a "traveller's bag" for that of the serjeant, whence the mistake; which, it should be observed, he was the last man present to detect.

Serjeant Hill died at the age of ninety-two, respected and beloved. He was frequently consulted by the Judges after he had retired from practice, so high an opinion was entertained of his learning and talents. He was the King's Ancient Serjeant. His uprightness and integrity were universally appreciated. He loved his profession and the noble science of the law. He repeatedly refused offers of advancement to the Bench, preferring to dedicate his time to study. He accumulated a splendid collection of books, the greatest part of which is now in Lincoln's Inn Library.

But to return to the old cross-examiner. He was also clever in obtaining briefs, although he was never seen early in the morning at the Old Bailey; but it was a curious circumstance, that he always had during the session a large clean red-taped brief, marked "ten guineas." He would carry it from one court to another, so that all the barristers saw and envied it. One barrister after another would ask how he obtained it. Of course there was no answer; but just before the cause was called on, while a number of barristers were present, he was obliged to answer the inquiry by saying that he went to St. Paul's School with the attorney; which was the answer to every inquiry respecting briefs of a similar description. The members of the Bar got irritated, and said, "Why,

you must have been to school with every attorney in London!"

While he had these ten-guinea briefs, and was concerned for many parishes, he was the kindest and most liberal counsel in the court. I knew of a case where a lawyer's clerk, instructed by the father of a prisoner who had several indictments against him, drew a very long brief, and took it to his chambers with one guinea indorsed upon it. Its length and intricacy, and the foolishness of the clerk in telling him that there were three eminent counsel on the prosecution, caused him to decline accepting the brief and the small fee. The same evening I met him walking on the terrace in the Temple, and he told me what had happened; and having heard from the poor lawyer's clerk the same story, I related to him the history of the prisoner's misfortunes, upon which he suddenly turned round to me and said, "Jay, I will take the brief with the trifling fee." Fortunately I met the poor father as I was returning to my chambers, and told him what had taken place. The case was to come on early next morning. The barrister, who never troubled cabs or umbrellas, was wet through when I saw him in the court, and in the most awful temper; so that he fastened upon me, who had nothing to do with the defence. While we were talking in one of the dark passages the foolish lawyer's clerk came up to us, accompanied by a little man who had evidently been crying. The clerk, addressing the counsel, said, "The father of the prisoner, sir, wishes to be introduced to you;" upon

which my friend suddenly turned round, and looking at the father said, "You damned scoundrel, as you say you have no money, you ought to have sold the bed you lie upon to fee your counsel!" The case lasted the whole of the day, and he got the prisoner off, although the prosecutor was a rich man and employed three eminent counsel. Being master of all the circumstances, and feeling for the poor father he had abused, the next morning he sent him a five-pound note. He was a very absent man, and reminded me of the following story of Serjeant Whitaker. During an examination which he conducted at the bar of the House of Lords, he put a question to the witness, as to the legality of which some objection was taken. Counsel were ordered to withdraw, and a debate of two hours ensued respecting the propriety of the question; but nothing was resolved on. When they were readmitted, Whitaker was desired to put the question over again; but he merely replied, "Upon my word, my lords, it is so long since I first put the question, that I entirely forget it; but with your leave I'll now put another."

Some of the fees paid at the Old Bailey are very small, but others are very large. I once saw a poor old woman with a dirty sheet of paper indorsed "Mr. Adolphus, one guinea." She put the guinea in silver into his hand. He pulled out his eyeglass to look at it, and asked what it was for. She instantly replied, "Only for murder." She walked up the lobby of the court with him; but whether he took it I know not. Some of the scandal of the Old Bailey has originated

in the shabby tricks of a few, but more in the badinage of many. Sergeant Davy was once accused of having disgraced the Bar by taking *silver* from a client. "I took silver," he replied, "because I couldn't get gold; but I took every farthing the fellow had in the world, and I hope you don't call that disgracing the profession." Before the Act of Parliament was passed that gives power to a magistrate to imprison upon a prisoner's confession of his guilt, the fees of three or four chief advocates were very considerable. At that time the briefs came direct from the Old Bailey, generally indorsed on dirty paper by some fellow-prisoner, with a few observations. The prisoners knew the counsel that were nearly always successful in obtaining verdicts of "Not Guilty." I have heard it said that these prisoners all had their favourite counsel, and it was written either in chalk or ink, "Try Ballantine, try Clarkson, try Phillips." At this time a schoolmaster was tried for an abominable offence, and sentenced to be confined in Newgate for two years. He was, or pretended to be, very religious, and attended Mrs. Fry's lectures in Newgate. She was pleased with him, for they said he was very fine in prayer. He was an excellent writer, and not a bad adviser. He soon became useful in Newgate, and drew all the prisoners' briefs for them; which were handed to a counsel who attended Mrs. Fry's prayer-meetings. The counsel stared every day with astonishment at the respectable manner in which the briefs were drawn out; but the barristers usually retained by prisoners

did not receive one of them—no, not one! Another session came on, and the same briefs, which increased in number, were given to Mrs. Fry's religious counsel. Nature and law could stand this no longer. One of the triumvirate, sharper than the other two, said, "I know how we can get back our briefs. It is a fine May morning; let's walk to Westminster and call upon Lord Melbourne, the Secretary of State, as I want to see him on professional business." They sent up their names, and the messenger came back and said that Lord Melbourne would see them. They found Lord Melbourne in good humour, standing with his back to the fire. His Lordship, on their entering, said, "I suppose you have come about something referring to the Poor-laws." The barrister having finished the business with his Lordship, was leaving, when he suddenly turned round and said, "By the bye, my Lord, there is a prisoner in Newgate who greatly assists Mrs. Fry in her missionary exertions, and we all think that he has been imprisoned long enough." Immediately Lord Melbourne rang the bell, and signed his discharge forthwith. One of the barristers met him the next day in Regent-street well shirted, well booted, and well hatted. I need not say that at the next session the briefs were delivered to their rightful owners.

Many years ago, when horse-stealing was a capital offence, a barrister—a friend of mine—was present at the Sessions House, Old Bailey (the name of the presiding Judge has escaped me), in the Old Court,

and related to me the following circumstance. A prisoner, named Smith, was being tried on a charge of horse-stealing. The trial proceeded in the usual manner, and after the counsel for the prosecution had finished examining each witness, the learned Judge asked the prisoner if he had any question to put to the witness; to which the prisoner replied in the negative; and to the surprise of the Judge, jury, counsel, and almost every person in Court, the prisoner did not seem to take the least interest in the trial, which appeared the more remarkable, as at that time his offence was punishable with death. The trial proceeded; still the prisoner, in answer to the Judge, before each witness for the prosecution left the witness-box, said he had no question to ask him. But, strange to say, during the whole of the trial the gaze of the prisoner was directed to the gallery which is immediately over the dock where the prisoners stand. This seemed so much to astonish the Judge, that he at length asked the Clerk of Arraigns what the prisoner was staring at. At last the case for the prosecution finished, when the Judge said to the prisoner, "Now is the time if you have anything to say to the jury in answer to the charge." The prisoner said he had nothing to say except that he was not guilty, and that there was a man in Court who knew it. The Judge then said, "You had better call your witness." And the Usher of the Court asked his name. Prisoner said, "I don't know his name, but"—pointing to a person who was sitting in the gallery—"that's the man I mean; he knows I was

on board a boat coming from Boulogne when the horse was stolen." The witness was accordingly called down from the gallery, and told to get into the witness-box. He then gave his name and address; and upon the Judge asking him if he knew the prisoner at the Bar, replied, "No, my Lord, I never saw him before." The Judge, then turning to the prisoner, said, "Well, you hear what he says; have you any other question to put to him?" The prisoner said, "Yes, my Lord; he knows that I was on board the boat on the day in question, as I removed my wig and showed him a scar which I have upon my head from the cut of a sabre." The Judge asked the witness again if he knew him, but he still replied, "No, my Lord; I never saw him before, to my knowledge." And this was said in such a truthful way that every one in Court seemed more astonished at the prisoner than before. However, the prisoner still persisted that the witness was the man, when at length the Judge began to cross-examine him, and asked him if he was at Boulogne, alluding to the month and day they had met on the boat. The witness said he was. The Judge then asked him when he left that place. The witness exclaimed with great surprise, "O yes, my Lord; I left Boulogne, and came by boat to Folkstone; and now you mention it, I remember seeing the prisoner, who told me in conversation that he had been wounded in the head by a cut from a sabre, and I recollect his taking his wig off and showing me the mark." The honest and simple manner of the witness, and the apparently truthful way he gave his

evidence, seemed to surprise every one in Court with the conviction that the prisoner was quite innocent of the charge; and the jury, without any deliberation, returned a verdict of Not Guilty. It should be mentioned, however, that a few months after, the prisoner and his witness, who were confederates, were brought into the gaol, tried on a similar charge, found guilty, and both hanged.

An editor of a newspaper brought an action against three gentlemen who, having been attacked in his paper, had vindicated their character by inflicting on him the severest chastisement. Mr. Charles Phillips, who was counsel for the plaintiff, made a splendid speech, depicting with great eloquence the cruelty which his client had suffered, and managed very evidently to carry the jury along with him. Mr. (afterwards Justice) Taunton, who appeared for the defendant, quickly obliterated the impression his brilliant opponent had made by saying in a powerful yet familiar tone, "My friend's eloquent complaint in plain English amounts to this—that his client has received a good horse-whipping; and mine is as short —that he richly deserved it!"

CHAPTER XII.

Three stages in a barrister's life—Charles Phillips and a Jew attorney—The origin of "a duffer"—The peer who got the best of the Jew—A lawyer and the Quaker—Fielding the Bow-street magistrate—Lord Mansfield and Fielding's nephew.

In my opinion the fault of the present day is, that the majority of barristers think more of fees than of law. Formerly it was all law, and the fees were left to Providence. I once heard an old counsel say that there were three stages in a barrister's life. When he is first called to the Bar, and full of spirits and ambition, he cares for nothing but the brief. In the second stage, when he has got a great deal of practice and is well known in the profession, he cares for both briefs and fees. The third stage, when he has become Q. C., acquired a great reputation, and made a large fortune, he cares only for the fees, and nothing for the briefs—the sight of them makes him almost sick. The only way to cure his sickness is when a reference is hinted at by the attorney. Almost the same principle applied to the occupation of chambers in the different Inns of Court formerly. It would be very interesting to search the under-treasurer's books, and see the number of years that the Benchers very kindly allowed young men at that time (it was during the late war) to pay their rents. Bar-

risters at that time were not so numerous as in the present day; and this was the case also with attorneys. I have heard it stated by one who was well acquainted with the Inn-books, and with the names of the young men referred to, that most of them succeeded at the Bar, paid all the back rent, and acknowledged the kindness of the Benchers in not calling for their rents during their struggles to get on in the profession.

The late Charles Phillips told me with evident pleasure of an interview that took place between himself and a Jew attorney, living at Paddington, who gave him a very large brief and an exceedingly small fee at the Old Bailey Sessions. It was an indictment by one omnibus company against another for nursing (for those of my readers who do not understand the term, let me explain that "nursing" means one omnibus closely following another for the purpose of driving it off the road). It was a very long trial, lasting over three days, and I think Sergeant Bumpus was Mr. Phillips's leader. This gave Mr. Phillips an opportunity of attending to other cases, for he never gave up a brief, if he could help it. But on the last day the attorney thought himself very clever and fortunate, in keeping him to examine a noted Paddington driver, whose evidence was very material as regarded the issue the jury had to try. Early on the morning when the examination was to take place the Jew attorney accosted Mr. Phillips, saying, "Mr. Phillips, what an interesting day this will be in Court! you have got to examine the noted

Paddington coachman. The Court is crowded with conductors and drivers from all parts." "Indeed," replied the counsel, "I feel no interest in it; the trial has lasted now three days, and look at my fee. I tell you that you must give me ten guineas, or I will not examine him." The attorney was thunderstruck, and said he had not got ten guineas about him, but would leave it the next day at his chambers. Mr. Phillips was so accustomed to such delusive promises that he had lost all faith in them, and refused to listen to the proposition. The attorney thereupon said he would give a cheque on his bankers (he was, in fact, a man of considerable means). Mr. Phillips said, "Come with me into this room, and draw the cheque," which was soon accomplished; and Mr. Phillips requested him to wait a few minutes, pretending that he wanted to hand a brief over to another counsel, as he should be exclusively occupied all day with this case. He then privately gave the cheque to one of the City Marshals, telling him to run as hard as he could, or take a cab, and get it cashed. Mr. Phillips soon returned and kept the attorney in conversation till he thought that the Marshalman had had a good start—knowing well that the Jew, although so much interested in the trial, would immediately rush off to the bank and stop the cheque; which he did, but was too late; the City Marshalman was just coming out of the bank with the money as he went in. The officer gave the money to Mr. Phillips, and afterwards told him that the attorney had fallen down the steps as

he went out of the Old Bailey; how he ran, how he perspired, and how he swore that it was the last brief he would ever give to Phillips.

Many of the slang terms that are now so much in use originated with the Paddington coachmen. The word "duffer," which means a man who knows nothing about the things he deals in or is engaged with, was first given to Napoleon, on his way to the Isle of Elba, in the hearing of many people who even pitied him, by a coachman who exclaimed, "He is a duffer, and not the son of a king; he had no business on the throne!"

It is quite a mistake for any one to suppose that the Jews in transactions with Christians always get the best of them. We have seen that Phillips the barrister was too sharp for the Jew; and in the next few pages we shall see that the Jews were done by a peer. After all, though they must gain so much by the Christians, they must also have lost considerably; the Christian spends the money, but the Jew keeps it. Since the different Acts of Parliament for emancipating the Jews have passed, no race has more improved in education and character.

I was one day dining with Dr. Lee, the professor of Arabic at Cambridge, in company with my deceased father, Mr. Jay, when the conversation turned upon the prophecies respecting the Jews. Mr. Jay appeared to be quite conversant with the professor's work on prophecy, quoting largely therefrom, and

debating several points with the learned doctor. The conversation at length flagging, Mr. Jay asked me to repeat to the professor the following story, which I had told my father a few days before. It was as follows: Lord A—— had much to do with Jews, both in London and in the country, in raising money which was never paid, in accepting bills which were never honoured, and in giving bonds which were not worth the paper on which they were written. It so happened that a zealous youth in London had received from a brother of his in Jerusalem, who was almost mad on prophecy, a letter, wherein it was stated that he had just seen a missionary who had lately discovered another tribe of Jews in some part of Asia. Immediately on receipt of such communication the young enthusiast called a meeting at one of the small rooms in Exeter Hall, having previously advertised it in some of the religious publications, stating the fact, and that the discovery would lead to additional evidence in support of the authenticity of the Holy Scriptures; and got a nobleman to take the chair. To the surprise of the meeting, in came my Lord A——, which caused great mirth to the chairman, who, in accosting his lordship, expressed his great delight in seeing him at such a meeting; upon which his lordship said: "I have seen the interesting advertisement respecting this wealthy new tribe of Jews, and I am come to learn more particulars about them." The chairman jocosely remarked, that his lordship would not like to visit them. "But indeed I should," was the instant

answer of Lord ——; "and that is what has brought me here. I have had the best of every Jew in this country, and I should like to have some fresh ones." The professor laughed heartily at this anecdote; and the conversation about prophecy ended.

I remember one day one of Mr. Jay's oldest hearers saying to him in conversation, "Sir, I have observed that you have been the instrument, under Providence, of converting two Jews who have attended your chapel for some time." Mr. Jay immediately replied, "I may have convinced, but I do not know about converting them." I have heard him apply the same observation to miracles, saying, that in general they merely convinced the Jews for a time, but failed in making converts of them.

A steady Quaker had been so unlucky as to take a farm from a lawyer of large fortune, who, it appeared, had greater regard for his money than his tenantry. The Quaker had applied to his landlord for either a reduction of his rent or a surrender of his lease —both of which were refused. "Wilt thou, then," said the Quaker, "give me a longer lease, that I may endeavour to render the land more profitable?" The landlord said that he would, and would also reduce the rent half-a-guinea per acre. A lease for three lives was agreed upon, and three names inserted in the lease; the Quaker requested that his own might be omitted, as he considered his life a precarious one. The lease was duly executed, and the old one can-

celled. In about a fortnight afterwards the Quaker called upon his lawyer-landlord, and handing him the lease, said, "Friend, I have done with thee and thy land; may thee have all the success thou deservest! The lives thou gavest me are all gone; they are no more. Fare thee well." It appeared that the three men whose names had been inserted in the lease were at the time under sentence of death in the next county jail, and were executed accordingly.

Fielding, the great novelist's half-brother, was for a long time the head magistrate at Bow-street, though quite blind. It was amusing to hear him say to a prisoner, "I see you are guilty by your looks." He was also a very able chairman of the Middlesex Sessions. There used to be a bust of him in the Police Court at Bow-street.

Lord Mansfield was in the habit of favouring with particular notice Fielding, the son of the novelist. One day his lordship asked him for a pinch of snuff, and Fielding gave him a box containing Lundyfoot, instead of one which held French rappee. Lord Mansfield, who was a regular snuff-taker, took so large a pinch that he was nearly suffocated. "Why, Fielding," he exclaimed, "what have you given me? I have nearly poisoned myself!" "I humbly beg your lordship's pardon," replied Fielding; "I did not know you disliked 'Irish blackguard.'" "Why, really, you don't say that you have any thing

about you that would come under that denomination?" rejoined Lord Mansfield. "Pardon me, my lord," returned Fielding, "I generally keep it for the accommodation of the Bench." "Pshaw!" said his lordship, "the joke would have been a good one had it not gone down my throat. I say, Fielding, let me be excused from such accommodation for the future."

When Fielding made his début in Court he was put completely at ease by Lord Mansfield addressing him in a good-humoured and encouraging tone: "Well, Tom Jones, let us hear what you have got to say."

Sir Thomas Plumer, at the time he was a junior at the Bar, and before his merits had become known, was engaged in a Sessions case with Sir John Davenport. Whenever he rose to address the Court, his senior recollected, as he said, some argument which had previously escaped his memory, and interrupted the speech of the young advocate. After this had happened two or three times, Lord Mansfield said, "Sir William, Mr. Plumer appears desirous to say something; pray let us hear him." Mr. Plumer upon this addressed the Court so effectively, that much of his after success may be ascribed to his efforts upon that occasion.

Sir Thomas was the first Vice-Chancellor of England, and after that Master of the Rolls. He was the last Master who resided in the mansion adjoining the court, and was buried in the chapel. The mansion was kept up in great style, and behind it was a

beautifully cultivated garden, extending over more than an acre. It is now turned into public offices.

Lord Stowell was of a lively temperament, and extremely fond of society. He acknowledged to Mr. Croker that he was "very convivial," and readily confessed his partiality to a bottle of port. One day, when someone objected to the practice of having dinners for parish or public purposes, "Sir," said Lord Stowell, "I approve of the dining system; it puts people in a good humour, and makes them agree when they otherwise might not: a dinner lubricates business."

Many of Lord Stowell's most luminous judgments, it is understood, were composed under the influence of wine, although he was never guilty of anything that could be called excess.

Boswell records a conversation between Scott and Johnson, in which Scott asserted that Addison wrote some of his best *Spectators* when excited with wine—an assertion which Johnson appeared unwilling to credit. Stowell was in the habit of joining the literary parties at the Mitre, where some of the highest ornaments of our literature used to assemble. He would endeavour to induce his brother John to accompany him to these symposia; but was invariably refused, with the constant phrase, "Brother, I sup with Coke to-night."

Sergeant Cockle's convivial powers were most remarkable. He was once retained in a very important

case to be tried at York, and attended a consultation the night previously to determine on the line of defence. To the consternation of his client, the Sergeant entered the room in a state of intoxication, and plainly showed that he was in no condition to attend to any business. He assured the attorney, however, that "all would be right in the morning,"—an assurance which did not give him much comfort. Cockle then tied a wet napkin round his head, and desired his junior, Mr. Maude, to inform him of the principal points in the case. After this he went to sleep for a few hours, and presented himself in the Court the next morning as fresh and ready as if he had passed the night in a very different manner. He cross-examined the witnesses with his usual tact and judgment, and his address to the Court was as spirited and as forcible as any he had ever delivered. Not only did he succeed in obtaining a verdict for his client, but is said to have distinguished himself in a greater degree than he had ever done before.

CHAPTER XIII.

Sir John Key—The Attorney-General and Lord-Advocate—The dislike of music by four great men—Sir William Grant—Sir John Leach and his visit to Carlton Palace—An old barrister's advice to his son—Macklin's—A trial at the Gloucester Assizes—Lord Kenyon and his wife.

DURING the two mayoralties of Sir John Key, baronet, I was constantly at the Mansion House, and whilst there had the privilege of dining with many eminent lawyers. On one occasion, at a dinner given in the Egyptian Hall, I found myself placed between the Attorney-general (Mr. Denman) on one side, and the Lord-advocate of Scotland (Mr. Jeffrey, who was a much more interesting companion than the Attorney-general) on the other. The latter said to me that the then Chancellor, Lord Brougham, had told him that the Lord Mayor, Sir John Key, could propose toasts and return thanks better than any man he ever heard; and after dinner, when the toasts had been given, he turned round and said to me, "Now I quite agree with him." When the band struck up I saw that the Scotch advocate was annoyed; and on my inquiring the reason, he said, "I cannot endure music during my meals." By a singular chance it so happened that Paganini, the greatest violin-player ever known, was one of the guests, and had never before performed in public in this country. During

the dinner some clever citizen, who was aware of his presence, persuaded him to send for his violin, which he foolishly did. Meanwhile it was soon bruited about that Paganini was in the hall, and had his instrument with him. The consequence was, that, just as Lord Brougham was about to rise and speak, there was a loud cry of "Silence for Paganini—Paganini!" I saw at once that Brougham was much annoyed at the interruption, and especially when up started Paganini—who, being raised on a chair, was visible to the gaze of all the company—violin in hand. As I have stated, it was actually his first public appearance in England; and the audience generally were electrified with his performance. Earl Grey, the then prime minister, appeared, in fact, more delighted than any one of the distinguished guests present. I soon discovered that Lord Brougham was not improved in temper, notwithstanding the beauty of the music; and suddenly he asked me the way for him to make his escape, which I pointed out; and he left forthwith, much to the annoyance and surprise of the assembled company, who, when they heard the reason of his unexpected departure, all agreed that it was, under any circumstances, a case of Violin *versus* Brougham, in which the plaintiff was clearly victorious. This display of his powers having been so highly appreciated, Paganini was led to believe that the use of the Guildhall would be granted for his public *début;* in which expectation, however, he was disappointed.

Mr. Windham has observed that four of the

greatest men he ever knew cared nothing for music —Burke, Fox, Dr. Johnson, and Pitt. Sir James Mackintosh professed the same indifference to sweet sounds; so much so that Conversation Sharpe used to suggest, as a thesis for the physical schools at Edinburgh, "What was the precise effect of music on the sensorium of Mackintosh?"

Sir John Key during his mayoralties was very successful. He was made a baronet, attended the coronation of Queen Victoria, and had the coronation-robes presented to him by the City. At the opening of London Bridge he walked by the side of William the Fourth. He was elected member for the City of London, and also Master of the Stationers' Company, and held several other appointments. Many were the dinners and balls given at the Mansion House during the two years he was Lord Mayor, and most liberal was he to the Common Councilmen of his own ward: they and their friends had tickets for almost every festivity. Most citizens now living who belong to the time when he was in office will recollect the disgrace into which he fell through getting his son a clerkship in the Stationery office at Westminster, and by writing a letter to the Duke of Wellington which prevented him and William IV. from coming to the grand banquet to have been given by the City, as is usual on the coronation of a sovereign. He was called "Don Key" in ridicule, and every term of opprobrium was applied to him; but so great was his popularity that he overcame all attempts at detraction, until the dis-

covery of certain facts as to government contracts in connection with the Stationery office, in which he was concerned, caused him—he being at the time a member of Parliament—to resign his seat. His place of business was in Abchurch-lane, and the firm was styled "Key Brothers and Co., stationers." It was a very large warehouse, with galleries around it; and it is an interesting fact that Handel composed there several of his anthems. In the gallery—to get to which you had to ascend a sort of step-ladder—several buckets of water were usually kept for the purpose of testing the paper that was purchased. I was one day in this gallery with the Lord Mayor, after most of his friends had deserted him; and seeing his Common Councilmen enter, I said to him, "Sir John, here are your Common Councilmen, to whom you have behaved with such kindness and generosity, giving them so many tickets and so many presentations to charities and otherwise; they are coming to request you to resign your gown." "Never, Jay," he replied, in disgust, after the way in which he had behaved to them. They were requested to go up to the gallery, where he was engaged in business; and the spokesman, who was a lawyer, said, "We are all come for the purpose of requesting your immediate resignation, after what has happened." Sir John at once shortly replied, "I shall do no such thing." With some difficulty they retired down the ladder in confusion and discomfiture; and while so doing, I said to Sir John, "Throw a bucket of water over the lot of them." He caught hold of the

bucket, but had not pluck enough to carry out my suggestion. I told Sir Charles Pearson the same day what I had advised; and he said, "Jay, if he had only done it, he would have been Lord Mayor for the third time."

Sir William Grant was one of the most accomplished lawyers that ever presided in an equity court. Early in life, and before he was called to the Bar, this distinguished man went to Canada, where he practised as an advocate. When not twenty-five years of age he was appointed Attorney-general of that province, and when Quebec was besieged by General Montgomery commanded a body of volunteers. Feeling, however, that the colonial bar did not afford a field sufficient for his talents, he resigned his appointment and came to England, where he for some time frequented the courts without a brief. On one occasion, however, being retained in an appeal from the Court of Sessions in Scotland to the House of Lords, he displayed such abilities that Lord Thurlow (then Chancellor) observed to a friend near him, "Be not surprised if that young man should one day occupy this seat." So much notice did the Chancellor take of him after this time that Grant devoted himself solely to practice in the equity courts, and soon obtained a tolerable share of business. Through Lord Thurlow's agency he acquired a seat in parliament, where he distinguished himself as an able and eloquent speaker. Few lawyers have made the impression on the house that Grant was in the habit of

doing. No one was found more difficult to answer. "Once," says Lord Brougham, "Mr. Fox, when he was hearing him with a view to making that attempt, was irritated in a way unwonted to his sweet temper by the conversation of some near him, even to the show of crossness; and, with an exclamation, sharply said, 'Do you think it so very pleasant a thing to have to answer a speech like *that?*'"

After filling various offices, Sir William Grant succeeded Lord Alvanley as Master of the Rolls. He is said to have had frequent opportunities of being raised to the woolsack. Those who are anxious to know how admirably he discharged his judicial duties may consult with advantage Lord Brougham's account of him in the first series of his sketches.

He was the last man but one that resided in the Rolls House. He used to sit from five o'clock till ten, and very seldom spoke during that time. He was always well primed with wine. He used to dine at the Rolls House before going into court in the evening. His allowance was a bottle of madeira at dinner, and a bottle of port after. He dined alone, and the servant who waited upon him was expected to anticipate his master's requirements. The meal, therefore, usually passed without a word being uttered by Sir William. On one occasion, when the favourite dish of a leg of pork was put on the table, the servant quickly observed from his master's countenance that there was something wrong, and knew that he could not hope to hear from Sir William what it was he wanted. Suddenly he thought of

the madeira, and placed the decanter at once before Sir William, who immediately seized it and flung it into the grate, exclaiming, "Mustard, you fool!"

The likeness of Sir William Grant which hangs up in the Rolls Court is one of the best paintings of Sir Thomas Lawrence, who was President of the Royal Academy. It was subscribed for by the Bar; and my friend Etty, who was an associate, had been apprenticed to Sir Thomas, and painted the robes, told me it was the best likeness that was ever painted.

Between Sir John Leach and Sir William Grant there was a marked contrast, although both of them obtained and deserved the reputation of being able lawyers. But to constitute an efficient judge qualities are needed which are not necessarily involved in the idea of a good lawyer. Urbanity, patience, and impartiality are all qualities without which a man may readily become eminent for his legal knowledge, but without which he is wholly unfit for the bench or the woolsack. Sir John Leach had many disadvantages to encounter, to which we need not particularly allude. He was born in a respectable but not in a high station. He was the son of a tradesman at Bedford. He was afterwards for some time in a merchant's counting-house; and after leaving this situation he went into the office of Sir Robert Taylor, the eminent architect. He ultimately went to the Bar, and was a pupil of Sir William Alexander, afterwards Chief Baron of the Exche-

quer. His first practice was at the Surrey Sessions and on the Home Circuit, which he afterwards forsook for the Equity courts and the Cockpit. He was successively Vice-Chancellor and Master of the Rolls. To this latter office he was appointed by Mr. Canning, who had previously, as it has been said, offered it to Mr. (now Lord) Brougham.

Sir John Leach was not only a clever lawyer, but also a fine gentleman. He was by no means unknown at the West-end, and was always esteemed a desirable acquisition at the card-tables of venerable dowagers. He was (if the phrase be allowed) ever courtly in court, and, although very fond of saying sharp and bitter things, always did so in accents the most suave and bland. No submission could meliorate his temper, no opposition lend asperity to his voice. He was very fond of pronouncing judgment without assigning a single reason. He would pronounce the fatal decree in a tone of solemnity, betraying, however, the opinion he entertained of the application. In his days, as is well known, the Rolls Court sat only in the evening. The appearance the court then presented to a stranger who saw it for the first time must have been very absurd; for when his honour had taken his seat, two large fan-shades were placed in such a position as not only to screen the light from the Master's eyes, but to render him invisible to the court. After the counsel who was addressing the court had finished and resumed his seat, there would be an awful pause for a minute or two; when at length, out of the darkness which surrounded the

chair of justice would come a voice, distinct, awful, solemn, but with the solemnity of suppressed anger: "The bill is dismissed with costs." No explanations, no long series of arguments were advanced to support this conclusion. The decision was given with the air of a man who knew he was right, and that only folly or villany could doubt the propriety of his judgment.

The Prince Regent was very partial to him; he was his great adviser during Queen Caroline's trial, and assisted in getting up the evidence. How often have I seen him, when walking through the Green Park between four and five o'clock in the afternoon, knock at the private door at the back of Carlton Palace. I have seen him go in four or five days following. He was twice cut for the stone, and his courage during the operations was the talk of all the medical men. Eventually it was the cause of his death.

An old barrister was giving advice to his son, who was just entering upon the practice of his father's profession. "My son," said the counsellor, "if you have a case where the law is clearly on your side, but justice seems to be clearly against you, urge upon the jury the vast importance of sustaining the law. If, on the other hand, you are in doubt about the law, but your client's case is founded on justice, insist on the necessity of doing justice, though the heavens fall." "But," asked the son, "how shall I manage a case where law and justice are dead against

me?" "In that case," replied the old man, "talk round it!"

Macklin at one time intended his son for the Bar, and entered him at the Temple. "And what book, sir, do you think I made him begin with?" said the veteran, in telling the circumstance: "why, I'll tell you, sir—the Bible, the Holy Bible!" "The Bible, Mr. Macklin, for a *lawyer?*" "Yes, sir," replied Macklin; "the most scientific book for an honest lawyer, as there you will find the foundation of all law and all morality."

At the Gloucester assizes, some years ago, a very interesting trial, which caused great excitement, was taking place. The court was crowded, and in the centre of it sat two men—one a knowing racing-man, and the other an innocent agriculturist. Many were the interruptions which took place during this trial; and at last the judge, using his authority, said he would at once commit anybody who was guilty of such a want of respect to the court. Of course this expression coming from the judge caused for the time a dead silence, which was, however, soon interrupted by the talking of the racing welcher to the agriculturist. The judge observing it, said, "I see you two men are still determined to set my authority at naught, and I shall commit you." The agriculturist immediately said, "My lord, this man against my will still keeps on talking to me." The judge thereupon said, "What was he talking about or saying to you?"

"Why, he said your lordship was a d—d fool." Instantly the welcher got up and said, "My lord, I said it in perfect confidence." The court of course was convulsed with laughter; and the judge, being a gentleman, a scholar, and a lawyer, of course took no notice of it.

Lord Kenyon's career shows how little the want of connection, or what are called expectancies, stands in the way of the steady and persevering lawyer. Like his friend Dunning, he commenced his legal education in the office of an attorney, with whom it was originally intended that he should become a partner; some difference, however, as to terms broke off the negotiation. When a clerk, it is said he was much annoyed at being constantly solicited by the wife of his master to discharge duties usually considered as pertaining rather to the office of a menial. Once this lady addressed him with, "Pray, Mr. Kenyon, as you are going out, will you be kind enough to call at the greengrocer's and order me a cauliflower? or, stay—perhaps you would have no objection to bring it home with you?" Kenyon bowed, and on his return informed the worthy dame he had performed her commands, and that he had paid sixpence for the vegetable, and eighteenpence for a chair to bring it home. This was the last time he was subjected to such improper treatment. His employer appears to have exhibited all the parsimony that the pupil displayed in after years. When his cook told him there was not dinner enough provided, upon one

occasion when *company* were expected, he asked if she had *brothed* the clerks. She replied that she had done so. "Well then," said he, "broth 'em again."

CHAPTER XIV.

Lord Erskine's Monument in Lincoln's-inn—Mr. Scarlett—An attorney of heavy business who lost three different accounts in three different banks which stopped payment—A Q.C., who had made a large fortune at the Bar, and his conversation in the House of Lords about a poor barrister—Sir Hudson Lowe arrested on his return from St. Helena—First consultation I ever attended, and its results to the counsel—Lord Gifford—A word about Lord Tenterden.

AFTER the death of Lord Erskine there was a meeting called by the Bar to erect a statue to his memory. I attended the meeting with Charles Phillips, who I think at that time had not been called to the English Bar; but his eloquent Irish speeches were read by everybody. Erskine had been a bencher of Lincoln's-inn, and the benchers allowed the hall to be used for a public meeting, which was very unusual. I never saw so many barristers under one roof before. Mr. Scarlett (who was afterwards Sir James Scarlett and Lord Abinger) was called to the chair, and opened the meeting in a business and workmanlike speech, but without any eloquence. Many eminent counsel addressed the meeting, and most miserable were their speeches; and although the subscriptions came in fast, the meeting wanted an eloquent speaker to excite them. A barrister observed Charles Phil-

lips, and called out his name, which was echoed all over the hall. Phillips immediately caught hold of my arm and made his escape with me. As we were going out, the cry of "Phillips" was louder than ever. Afterwards he told me that he regretted not having spoken, as he was prepared to make a speech, which would have been the most eloquent, interesting, and exciting one of the evening. Money enough was collected to erect the marble statue that now stands in Lincoln's-inn-fields Hall.

I was dining one day with an attorney who was talking about his business and his heavy Chancery suits, when the conversation, happily for me, turned; for some bank at the West-end of the town had that day failed, and one gentleman present at the dinner had lost a large balance. The attorney immediately said to me, "I had an account at three different bankers' in the city of London" (mentioning their names, which I now forget), "and they all stopped payment." I regretted it very much, and moaned over him. He instantly said, "Jay, you need not moan over me, for they only kept my accounts, and not my money." The fellow admitted afterwards that he had overdrawn his account at each of the banks.

A barrister who was a Q. C., had made a large fortune at the Bar, and was very fond of money, was standing in the House of Lords with his long wig on, when a gentleman said, "Poor Smith is

dead!" "Lucky fellow!" he exclaimed—"poor and dead!" But the gentleman said, "Ah, but his aunt left him eight hundred a year the very week before he died." The barrister immediately said, lifting up his hands with his long wig on, and in a loud tone of voice, "Unlucky fellow!—dead with eight hundred a year!"

When Sir Hudson Lowe returned from St. Helena after the death of Napoleon Bonaparte, he was very unpopular in this country, because the people considered he had been too severe with the deceased emperor, and unnecessarily irritating by the paltry restrictions which he insisted upon being upheld in such a small island. It so happened that a liberal M.P. had signed a judgment before he left this country for St. Helena for a debt for goods supplied, and which he had never paid. On his return the M.P. called upon his solicitor and requested him to issue a *ca-sa* to arrest Sir Hudson, and lodge it with the sheriffs, so that they might apprehend him as soon as possible. The attorney gave it to a very intelligent sheriff's officer, who soon found out his residence at Hyde Park, which was kept a profound secret on account of his being so unpopular. Much was said in the House of Commons about his severity, and much more in pamphlets. The officer proceeded to the house, knocked at the door, and asked if Sir Hudson Lowe was within. The servant said he was in the drawing-room, and could not be seen by anybody. The officer immediately ran upstairs to the

drawing-room, and addressed Sir Hudson Lowe thus: "Sir Hudson, I have a warrant against you, and you are my prisoner." Sir Hudson Lowe fell back upon the sofa and nearly fainted away. Upon recovering, the officer told him the amount of the debt and costs, and he gave him a cheque for the amount. Here was a man who had had the charge of the celebrated Bonaparte, who had made kings and conquered empires; and who yet feared so much being taken in charge himself, that at the sight of the officer he almost fainted away. The same officer told me he never could account for the weakness of the government in allowing Bonaparte to go to Elba, an island from which he could so easily escape—having had during his life a great deal to do with prisoners. Had the government consulted this sheriff's officer instead of their own brains, millions of lives and money would have been saved.

The first consultation I ever attended was during the first week of my articles. The time appointed was five o'clock. The attorney, the client (who was a rich sugar-merchant of Bristol), and myself dined before the consultation at Green's Coffee-house in Portugal-street. It was a most important excise case respecting sugar, and the leading counsel was Mr. Knowles, who was at that time the common serjeant. He had a stereotype speech upon every one of these informations that came on at Westminster. His speech was always animated, and it could be heard in Palace-yard. At the dinner before the

consultation, the rich merchant showed me a letter addressed to him from the solicitor to the excise, and said, "Look at the heading of it, young gentleman." I did, and it was headed, "Dear sir,—*The King against yourself.*" The attorney said, "It is frightful odds; but it is time to attend the consultation." I recollect we proceeded to Mr. Knowles' house, situate at the south side of Lincoln's-Inn Fields, and there we met the two junior counsel, Mr. Abbott and Mr. Gifford. I mention these names for the purpose of showing how they were all promoted. Knowles was made Recorder of London; Mr. Abbott was made a Judge of the Common Pleas, but was afterwards removed to the King's Bench, and became Lord Chief Justice of England, with a peerage; Gifford became Solicitor-general, Attorney-general, Chief-Justice of the Common Pleas, and afterwards Master of the Rolls. It was through Lord Eldon's influence that the two last-named barristers had such success. Gifford, who was in the habit of attending Essex-street Chapel, left it, and became a Churchman and a staunch Tory in a very short time. After that the promotions came. He was very clever; but was not long Master of the Rolls, for he died after a very short illness. He had beautiful large black eyes, though very near-sighted. I may mention a curious circumstance. I attended his funeral at the Rolls Chapel, where he was buried. I was in the little gallery when the procession came into the chapel, and Lord Eldon and Chief-Justice Abbott were placed in a pew by themselves. I could observe everything that

took place in the pew, it being a very small chapel, and observed that Lord Eldon was very shaky, and during the most solemn part of the service saw him touch the Chief-Justice; and I have no doubt he asked for his snuff-box, for the snuff-box was produced, and he took a large pinch of snuff. The Chief-Justice was a very great snuff-taker, but he only took it up one nostril. I kept my eye upon the pinch of snuff, and saw that Lord Eldon, the moment he had taken it from the box, threw it away. I was young at the time, and was astonished at the deception practised by so great a man, with the grave yawning before him.

Lord Gifford was indebted for his success in life solely to his own talents. An ex-chancellor said of him, that he rose as a man does in a balloon—by an impulse not originating in himself. To his industry and application, however, may we with greater justice ascribe his fortune. Previous to his entering for the Bar he was placed in the office of a Mr. Jones, a solicitor at Exeter, with whom he served his articles. Mr. Baring, who was a member for Exeter, happened one day to call at Mr. Jones's office to ask a question about some legal difficulty. Mr. Jones, being somewhat perplexed, asked the opinion of young Gifford, who was then in the room. He delivered it with so much clearness and quickness that Mr. Baring remarked to a friend, after he left the office, that he had just left a young man who, if he lived, would be Lord Chancellor of England. He practised for some time as a pleader under the Bar, and was not called

until 1808, when he soon gained a respectable practice. He was not eloquent, nor did he display any signs of possessing a refined taste. He is said to have been ignorant of Latin; it is, at all events, certain that he never received a classical education. He was, however, a sound lawyer. "In a masterly argument," says Dr. Dibdin, "before the Judges, with the late lamented Mr. Horner, upon the law of marine insurance, and in a subsequent one with Mr. Preston upon a purely landed-property question, wherein he had the better of his distinguished antagonist, he not only surprised the Bench but astonished his friends." It was the high opinion that Lord Ellenborough had formed of his talents which induced Lord Liverpool to make him Solicitor-general. While filling this office he had frequently to encounter Sir Samuel Romilly in the House of Commons. The night before he was to meet him upon a very important debate, "he told me," says Dr. Dibdin, "he had not slept one wink." Mr. Canning sat close to him when he rose, and cheered him as he went on; but at first he was scarcely conscious of being upon his legs, and did not know whether the Speaker was in the chair or his opponent in the House, though he sat immediately opposite to him; but he soon aroused his intellectual energies, and became warm, fluent, courageous, and convincing. His address to the House of Lords on what is popularly called "the Queen's trial" was distinguished by its moderation; his reply was exceedingly admired for its force and power. In 1824 he was made Chief-Justice of the

Common Pleas, raised to the peerage, and appointed Deputy Speaker of the House of Lords. In this latter capacity he displayed a considerable knowledge of Scotch law. He was soon removed to the presidency of the Rolls Court. His early death alone prevented his acquiring the honours of the Woolsack.

Lord Gifford's decisions gave so much satisfaction in Scotland, that, when he visited Edinburgh in the course of a tour, he was met at the boundaries of the city by the Lord Provost and other authorities, and conducted to his domicile with great state. The Corporation unanimously conferred on him the freedom of the city; and the University, sharing in the general opinion of his merits, admitted him to the honorary degree of Doctor of Civil Law.

A clerkship in a solicitor's office has also been recommended by high authority as a useful school for the Bar. Lord Tenterden, when he resolved to turn his attention to the law, was for some time in the office of a large firm in Craig's-court. This step he was induced to take upon the recommendation of Judge Buller. Mr. Bentley, the conveyancer, who died two or three years after, was for a considerable time in one of the principal agency houses in London, and has been often heard to declare that he owed to the habits he there acquired a facility of mastering every document and case that came before him, however difficult or repulsive it might be. This gentleman, who was eminent in his branch of the profes-

sion,—and there is none which requires more positive learning,—never enjoyed the advantage of pupilage in any barrister's chambers. All the information and experience he obtained he acquired during his clerkship. Chief-Baron Thompson commenced his legal studies in an attorney's office, as also did Lord Wynford and Sir William Grant. Lord Thurlow was articled, together with Cowper the poet, to a solicitor near Bedford-row; and his great predefessor, Lord Hardwicke, passed through the same ordeal. Dunning was in his father's office for some considerable time. Lord Macclesfield actually practised as an attorney. Lord Kenyon served his articles. Sir William Garrow passed some time in a solicitor's office, as did Sir Samuel Romilly. Lord Gifford was regularly articled; and so also was Lord Lifford, Chancellor of Ireland, and Sir George Wood and Sir Francis Buller, very learned and distinguished men.

CHAPTER XV.

Mr. Wilberforce—A City alderman and a hair-dresser—Sir Richard Birnie, chief magistrate at Bow-street—The late Serjeant Murphy and Mr. Warren—A pleader's advice to a country gentleman—Charles Pearson the City solicitor, and Alderman Fairbrother—Lord Ellenborough, Brougham, and Hone—Lord Tenterden, and his death.

MR. WILBERFORCE stated in the House of Commons that, had Mr. Pitt's life been spared, it was his intention at an early period to have prepared a digest of the whole Criminal Law.

I heard Mr. Wilberforce mention to my father, in conversation, that he accompanied Mr. Pitt to Germany, and spent a week with the great Lavater. My father said that whenever Mr. Wilberforce spoke of Pitt he always called him, my friend. Lavater maintained that he could tell a lawyer by his countenance.

The aldermen of the City of London ought not to be allowed to practise as attorneys. It is not permitted in any other place. I knew an alderman who was an attorney, and who showed a want of professional knowledge which an alderman in trade, especially a long-shore alderman, would have soon discovered. One morning at the Mansion House, at the time that bear's-grease was in such demand, a

clever-looking and agreeable woman addressed the Lord Mayor, and said she was going through a street in the city, when her attention was arrested by some wigs in a hairdresser's shop; while looking at them, to her horror she felt something through the grating take hold of her ankle; she looked, and saw it was the paw of a large bear that was going to be killed. She said, "My lord, I nearly fainted away; and I am now in such a state that I shake like a calf's-foot jelly." His lordship was so indignant that he immediately sent the marshal to tell the hairdresser to come at once to the Mansion House. The hairdresser soon made his appearance, and apologising for what had taken place, said, he had thirty-three bears he was going to kill that day, the demand for the grease being so great; but that in future he would have them killed in the country, and not in the city; and that he should be happy to hire a carriage for the lady to take her to Hammersmith, where she resided. Upon this promise, the Lord Mayor said he would take no further notice of the application; little thinking that it was a fraud and a sham; that the lady was the hairdresser's sister; that he had plotted and planned the whole affair, and had paid the reporter to insert it in all the daily and weekly papers. Of course there was only one bear instead of thirty-three; but the next day he sold a great quantity of other animals' grease, and had a number of customers, and did a large trade for a long time. The alderman did not discover the plot; but his brethren did, and he never heard the last of it during his mayoralty.

Formerly the police magistrates generally followed some trade, and were very ignorant. Sir Richard Birnie, who was a saddler, was the chief magistrate in Bow-street. I was in the Court one day when a savage-looking fellow was brought before him. The case against him was stated by the officer, and Sir Richard appeared to pay no attention to it, but was busy sealing some letters which he had written from the Bench; and while impressing the seal on one of them, he looked at the prisoner, and said, "O, I know that ruffian; I will now punish him.—You shall have three months' solitary confinement, and have no other book to read but the *Bible;* and if that is not punishment, I do not know what is."

The old Serjeants' Inn was occupied entirely by serjeants and judges; but when it was rebuilt very few of them would take chambers; and if they did, they lost their business. Serjeant Wilkins used to call it the grave of the serjeants. At the Bar mess at York, shortly after the late Mr. Serjeant Murphy took the coif, the following conversation took place:

Mr. S. Murphy. Well, Warren, I have been reading your *Ten Thousand a Year.*

Warren. Have you? I hope you liked it.

Mr. S. Murphy. Pretty well. But what became of Mr. Gammon, who appears in the first and second volumes, and then suddenly disappears?

Warren. Why, I'll tell you, serjeant; the fact is, he took the coif, and never was heard of after.

When a very eminent special pleader was asked by a country gentleman if he considered that his son was likely to succeed as a special pleader, he replied: "Pray, sir, can your son eat sawdust without butter?"

Charles Pearson, who was afterwards the City Solicitor, was engaged in the contest by Sir John Key for his second mayoralty, and addressed the Livery every afternoon at four o'clock. The crowd to hear his speeches was very great. Alderman Fairbrother had been attacked by him; and he said if he ever met Charles Pearson between Temple Bar and Guildhall he would knock him down. Mr. Pearson said, on the hustings, he would walk at half-past three to Temple Bar, and back to Guildhall at four, to give him an opportunity; but he never met the said alderman; and he made a very good use of this circumstance in his speech at four o'clock to the Livery. He had taken advantage of the uncertainty of the time, and calling upon a boxing-man, who was a Jew, living in a passage out of Fleet-street, and who professed to teach the art of boxing, he paid his guinea; but the result was that he learned nothing of the art, and was only knocked about. The boxer, tapping his nose, made it bleed nearly every time they sparred together. Disgusted at this, Mr. Pearson never went to him again; but a friend advised him to go to Jack Randall, who had won all his fights, and was very clever in teaching the art. He kept a public-house in Chancery-lane, opposite the

old gates in Lincoln's Inn, where a number of noblemen and pupils assembled every day to be taught the art. Pearson put down his five pounds for five lessons, and was to take his first lesson the next day at eleven o'clock. Randall knew nothing about him, and he was not very well dressed. Having many engagements that morning, he lost no time, and they immediately put on the gloves. Randall rushed at him like a tiger, knocked him down, and would have split his head open if it had not been for the gloves. Pearson would have no more of it, and complained bitterly of Randall's conduct; when he heard a gentleman say to Randall, "You are too hard upon that pupil." Randall said, "I did it intentionally; for I have got his five pounds, and he will never come again." But some person happening to mention that it was the celebrated Charles Pearson, Randall was very sorry for what he had done, and taught him the art; which, however, he never had occasion to make use of.

The late Lord Ellenborough was an excellent Judge, and looked well on the Bench. He had quite a turtle-countenance. I recollect him sitting in the old Court of Queen's Bench, at the end of the hall; the counsel who argued before him being first-class men. Lord Brougham was then one of the juniors behind the Bar; and he always seemed to have a dislike to him. I remember on one occasion Brougham pronounced a word improperly; Lord Ellenborough alluded to it, and Brougham said, "That

is the way Walker pronounces it." Lord Ellenborough said: "Who's Walker?"

Brougham left the Bar for several years, and came back after Lord Ellenborough's death; and everyone knows, or has heard, of his great success. He left London for the Northern Circuit with a great number of retainers, but all for the defendants; while Scarlett was engaged for all the plaintiffs; which Brougham said was very disheartening—for plaintiffs, of course, generally succeed. I once told Lord Ellenborough's son, the Honourable Mr. Law, who was his associate, and who sat under him, wasting years of his life reading bills of exchange and other documents, that if he had gone to the Bar he would have been a first-class advocate. As it was, he had a good business afterwards, became Recorder of London and M.P. for Cambridge. I once mentioned to him, that when a witness was perjuring himself in every sentence he uttered, his father, Lord Ellenborough, said to him, "You fellow! your swearing is a waste of wickedness."

I was with Hone, and standing next to him during his celebrated trial before Lord Ellenborough and Mr. Justice Abbott. He defended himself firmly and well; but he had no spark of eloquence about him. For years afterwards I was often with him; and he was made a great deal of in society. He became very religious, and died a member of Mr. Clayton's independent chapel, worshipping at the Weigh House.

The last important incident of Lord Ellenbo-

rough's judicial life was the part he took as presiding Judge in Hone's trials for the publication of certain blasphemous parodies. At this time he was suffering from the most intense exhaustion, and his constitution was sinking under the fatigues of a long and sedulous discharge of his important duties. This did not deter him from taking his seat upon the Bench on this occasion. When he entered the Court, previous to the trial, Hone shouted out, "I am glad to see you, Lord Ellenborough. I know what you are come here for; I know what you want." "I am come to do justice," replied his lordship; "my wish is to see justice done." "Is it not rather, my lord," retorted Hone, "to send a poor devil of a bookseller to rot in a dungeon?" In the course of the proceedings, Lord Ellenborough more than once interfered. Hone—it must be acknowledged, with less vehemence than might have been expected—requested him to forbear. The next time his lordship made an observation, in answer to something the defendant urged in the course of his speech, Hone exclaimed, in a voice of thunder, "I do not speak to you, my lord; you are not my judge; these"—pointing to the jury—"these are my judges, and it is to them that I address myself." Hone revenged himself on what he called the Chief-Justice's partiality; he wounded him where he could not defend himself. Arguing that Athanasius was not the author of the creed that bears his name, he cited by way of authority passages from the writings of Gibbon and Warburton to establish his position. Fixing his eyes on Lord Ellenborough, he

then said, "And further, your lordship's father, the late worthy Bishop of Carlisle, has taken a similar view of the same creed." Lord Ellenborough could not endure this allusion to his father's heterodoxy. In a broken voice he exclaimed, "For the sake of decency forbear!" The *request* was immediately complied with. The jury acquitted Hone—a result which is said to have killed the Chief-Justice; but this is probably not true. That he suffered in consequence of the trial is certain. After he entered his private room, when the trial was over, his strength had so far deserted him that his son was obliged to put his hat on for him. But he quickly recovered his spirits; and on his way home, in passing through Charing-cross, he pulled the check-string, and said: "It just occurs to me that they sell here the best herrings in London; buy six." Indeed, Dr. Turner, afterwards Bishop of Calcutta, who accompanied him in his carriage, said that, so far from his nerves being shaken by the hootings of the mob, Lord Ellenborough only observed that their saliva was worse than their bite.

One foggy November morning I was at the Old Bailey sessions, when a funeral was passing the Sessions House. I inquired of one of the mutes whose funeral it was; and he said, "Lord Ellenborough's. We are going to bury at the Charter House."

As a judge Lord Tenterden did not display any abilities which deserve a higher character than "respectable." Although he had been trained in the

strictest school of special pleading, he always showed a reasonable desire to reconcile the claims of justice with the requisitions of law. In effecting this laudable purpose, he found the value of those habits of discrimination and subtle reasoning which usually distinguish men in the niceties of special pleading. He was thus enabled, in every case brought before him, to detect at once the true point at issue, and to discover whenever counsel were wandering into extraneous matter. This he never would tolerate. His reproofs sometimes savoured more of the authority of the pedagogue than the dignity of the judge; but still—and this we hold to be his great merit—he was enabled to despatch the business of his Court with a facility and a quickness never before equalled and never since surpassed. If he was at times intolerant of the peccadilloes of gentlemen of the long robe, he showed tolerance of the stupidity and of unintentional prevarications of the country clowns whose evidence he was compelled to take down. In truth, Lord Tenterden had much good-humour, but no dignity; and if he never, like some of the Bench, committed himself in a fracas with counsel, it was because his own natural urbanity precluded such a thing; considerations of his high place would never have checked him. We are sorry to state that he did not always conceal on the Bench the fact that the prejudices which anciently existed against the inferior branch of the profession, while they had been banished from almost every enlightened mind, still subsisted in his. His dislike to an

attorney amounted almost to aversion. Lord Tenterden was a Tory at heart, and often showed a strong leaning towards those who sat in high places. The magistracy and the corporations, through which the besom of reform had not then gone, were venerated by him as institutions to be supported because "they were." But his bias in these matters it cannot be said in any degree interfered with the honest discharge of the duties of his office. When Hone was tried before him for blasphemy, Lord Tenterden treated him with great forbearance; but Hone, not contented with the indulgence, took to vilifying the Judge. "Even in a Turkish court I should not have met with the treatment I have experienced here," he exclaimed. "Certainly," replied Lord Tenterden; "the bowstring would have been round your neck an hour ago."

"He died with his armour on." We saw him the last day he ever sat on the Bench. It was at the trial of the Mayor of Bristol. He was in a state of evident suffering. But his disease was simply physical; his mind was unimpaired. He had been strongly advised, some time before, not to attend the Court; but he replied, "I have public duties to perform; and while it pleases God to preserve my mental faculties I will perform those duties; physical suffering I can and will bear." Little more than a week before his death he was told, that if he continued to set the advice of his medical attendant at defiance, it was impossible he could live; but a little rest and retirement would restore him to com-

parative health. "I know better," he replied; "my days are numbered; but I will perform my duty to the last." The following occurrence is stated to have happened before his decease. He had been sinking the whole night before he died, but generally retained his faculties. Towards morning he became restless, and slightly delirious; all at once he sat up in his bed, and with a motion of his hand, as if dipping his pen in the inkstand, as he had been accustomed to do on the Bench, said distinctly, "Gentlemen of the jury, you are discharged." He then fell back in his bed, and almost immediately expired.

CHAPTER XVI.

Lord Tenterden; his residence, his dinners, and his death—Marryatt's dislike to going to law—The celebrated Dunning had a similar dislike—The courage of Serjeant Hullock.

LORD TENTERDEN, whom I mentioned in the preceding chapter, was engaged in my first consultation. I knew him very well, and often employed him. He removed from Queen's-square to Russell-square, where he had a very handsome mansion. He was not such a bigoted man as is generally supposed. The account of his death, which the reader will find at the end of the preceding chapter, was given me by his favourite servant, who was a very strict Roman Catholic, and held some subordinate office in one of the Catholic chapels in Westminster. He was present at his lordship's death, and says the account of it is quite correct. He was never of a strong constitution; and during the two years I was so much at the Mansion House, whenever he came to the Old Bailey at the Lord Mayor's sessions, he used to ask me to order some tripe for his dinner: it was the only thing he was in the habit of taking at that meal. He said, "Mr. Jay, Bath and Birmingham are the only two places in England where you can get tripe in perfection." He had great power with Lord Eldon, and persuaded

him to make the late Mr. Pattison a Judge—who was the youngest Judge ever made on the Bench, dating from his call. He also procured the late Mr. Justice Taunton, on the Oxford Circuit, to be made a Judge, who was at that time Recorder of Oxford, and a very able man. He constantly attended on Sunday morning with his family at the Foundling Chapel; and in that place he was buried. After his death Mr. Justice Taunton purchased his mansion.

Lord Tenterden was the son of a barber at Canterbury, whose house stood on the left-hand side of the western entrance to the cathedral, and who has been described as "a tall, erect, primitive-looking man, with a large club-pigtail behind him, and the instruments of his business under one arm, attended frequently by his son, the present Chief-Justice,—a youth as decent, grave, and primitive-looking as himself." He received his education at Canterbury school. "I remember him at school," says an old schoolfellow, "well; grave, silent, and demure; always studious and well-behaved; reading his book instead of accompanying us to play, and recommending himself to all who saw and knew him by his quiet and decent demeanour. I think his first rise in life was owing to a boy of the name of Thurlow, an illegitimate son of the Lord Chancellor, who was at school with us. Abbott and this boy were well acquainted; and when Thurlow went home for the holidays, he took young Abbott with him. Abbott thus became acquainted with Lord Thurlow, and was a kind of helping tutor to his son; and I have always heard,

and am persuaded, that it was by his lordship's aid that he was afterwards sent to college. The clergy of Canterbury, however, always took great notice of him, as they knew and respected his father."

Lord Tenterden never displayed any false shame on the subject of his parentage; indeed, not long before his death, being at Canterbury with his eldest son, he visited the former insignificant dwelling of his father, and pointed out to him, with evident satisfaction, the scenes of his early years. It has been said also that, when on the home circuit, he accompanied Mr. Justice Richards in a visit to Canterbury Cathedral. After attending the morning service, Mr. Justice Richards made some remark on the voice of one of the singing-men. "Ah," said Lord Tenterden, "that's the only man I ever envied. When we were at school in this town we were candidates together for a chorister's place, and he obtained it." He went to Oxford, where he obtained a fellowship; and for some time resided at the University as college tutor. He gained the prize for Latin verses in the year 1784, having failed the preceding year. Upon that occasion, the successful candidate was the Rev. W. L. Bowles, then a scholar at Trinity. Not long before Lord Tenterden's death, he met Mr. Bowles at Salisbury; and, on hearing his name, immediately adverted to the literary contest in which he had been vanquished nearly forty years before. It is not a little remarkable, that at the same period there were at the same university three men destined to preside in the three superior courts of this kingdom, in

which the equity, the canon, and the common law is administered—John Scott, afterwards Lord Chancellor; William Scott, afterwards Judge of the Prerogative and Admiralty Courts; and Charles Abbott, afterwards Lord Chief-Justice of the Court of King's Bench. Amongst Abbott's pupils was a son of Sir Francis Buller, through whom he became acquainted with that eminent Judge. Buller was so much struck with Abbott's industry and talents, that he advised him to try his fortune at the Bar. This he did, and by the advice of his patron submitted to the drudgery of attending for some months at the office of Messrs. Sandys and Horton, the eminent solicitors in Craig's-court. Afterwards he became a pupil of Mr. Wood, a special pleader, and since a Baron of the Exchequer. When at the Bar, Abbott was fortunate enough to attract the notice of Lord Ellenborough, who endeavoured to force him into notice. But his business, although considerable, was not of that kind which confers general notoriety. Much of his income was derived from giving his opinions on cases. It was a maxim with him, that, after attending long enough to be acquainted with the routine, a barrister who had nothing to do had much better be at home in his chambers than dawdling in court. He received much emolument in his capacity as treasury-devil, as the functionary is called who acts as *flapper* and assistant to the Attorney-general. His profits at the Bar have been variously stated at eight or ten thousand a year. The smaller sum is most likely nearest the truth.

Lord Tenterden had a pleasant little estate at Hendon, allowed anybody who liked to walk in his fields, and was a great favourite with all the poor; which puts me in mind of a story of the great Dunning, who was very much of the same character. Lawyers are, it is notorious, a class least anxious of any to go to law. Their antipathy to appearing before a court in any other shape than that of representatives of other individuals results, as we may fairly suppose, from the intimate knowledge they possess of what a lawsuit is. It has been related of Mr. Marryatt, the eminent King's Counsel, that some time after he had retired from practice, being present at a conversation in which someone remarked on "the glorious uncertainty of the law," he observed with great animation, "If any man were to claim the coat on my back, and threaten my refusal with a lawsuit, he should certainly have it, lest in defending my coat I should find that I was deprived of my waistcoat also." Dunning is known to have dreaded, above all things, becoming involved in litigation. One day, on returning to his house near town, he was met in the front garden by the gardener, full of complaints of some audacious fellow whom he had found trespassing in one of the neighbouring fields. "Well, and what did you say to him?" inquired Dunning. "O, sir, I told him if I found him there again you would be sure to prosecute him." "You may prosecute him yourself, John, if you like; but I tell you what, he may walk about my fields till he is tired before I will prosecute him."

The late Mr. Serjeant Hullock I knew well. He was the most manly fellow I ever met with, and had the manliness not to migrate from Gray's-inn to the Temple, but kept his offices there until he was raised to the Exchequer. He was once concerned in a cause of great importance, and was instructed not to produce a certain deed unless it was absolutely necessary. Either from forgetfulness, or from a desire to terminate the matter at once, Hullock early in the cause produced the deed, which, upon examination, appeared to have been forged by the client's attorney. Mr. Justice Bayley, who was trying the cause, desired the deed to be impounded, in order that it might become the subject of a prosecution. Before this could be done, Mr. Hullock said he wished to inspect it; and on its being handed to him, returned it to his bag. The Judge remonstrated, but in vain. "No earthly power," said Mr. Hullock, "shall induce me to surrender it. I have incautiously put a man's life in peril; and though I have acted to the best of my discretion, I should never be happy again should a fatal end ensue." The Judge still continued to remonstrate, but declined to act until he had consulted the other Judge. The consultation came too late; the deed was in the mean time destroyed, and the rascally attorney escaped. Too much praise, however, cannot be given to the honest and intrepid advocate. I should like to see a counsel that would behave so now.

CHAPTER XVII.

William Jay's Autobiography—Lord Thurlow at College, at the Bar, and Lord Chancellor of England.

I COPY here one of my father's letters to his children from his Autobiography, in which he alludes to Chancellor Thurlow, together with some very interesting notes respecting that great man.

My dear Children,—In commencing this letter I have one advantage which saves me time and trouble; I have not to trace a long and proud lineage. If any great and illustrious individuals have been found among my ancestors, they have not been ascertained in my family in my own time. But were I mean enough to feel any mortification here, I could console myself. Lord Bacon has remarked that they who derive their worth from their ancestors resemble "potatoes, the most valuable part of which is under ground." When one of Lord Thurlow's friends was endeavouring to make out his relationship to the secretary of Cromwell, whose family had been settled in the county adjoining — Suffolk — he replied, "Sir, there were two Thurlows in that part of the country —Thurlow the secretary, and Thurlow the carrier;

I am descended from the latter." We have read of a man who, in prospect of his promotion, being asked concerning his pedigree, answered that "he was not particularly sure, but had been credibly informed that he had three brothers in the ark." But one of our most distinguished poets of obscure origin surpasses this in his epitaph:

> "Princes and heralds, by your leave,
> Here lie the bones of Matthew Prior,
> The son of Adam and of Eve:
> Can Bourbon or Nassau go higher?"

Perhaps no Chancellor ever gave so many church benefices to poor clergymen of real merit as Thurlow. Among other instances of his eccentric goodness the following appears to deserve peculiar notice. A curate who had a numerous family, but no patron among the great, was prompted by his wants and a favourable opportunity which the sudden death of his rector afforded to make a personal application tc Thurlow. The chancellor was struck with his appearance and address, and after hearing his story, whimsically asked him, "Whom have you to recommend you?" "Only the Lord of Hosts, my lord." "Well," replied Thurlow instantly, "as it is the first recommendation I have from his Lordship, be assured that I shall attend to it." The living was given to the meritorious applicant.

When Lord Thurlow's patent of peerage was being registered, the herald inquired the name of his lordship's mother. "I don't know!" vociferated the Chancellor in a tone of thunder. Lord Thurlow by

his natural disposition was utterly disqualified, one would have thought, for discharging the duties of a Judge, or performing the part of a courtier. His violent and often ungovernable temper, which, in its subdued moods, deserved the name of surliness or bluntness, seemed to form an insuperable impediment to success in either of these capacities. Yet despite of it Lord Thurlow was a supple and pliant courtier, and, although his learning has possibly been overrated, an able and impartial Judge. He showed the natural fierceness of his disposition when quite a boy. Dr. Donne, one of the prebendaries of Canterbury Cathedral, held a living somewhere in the neighbourhood of Thurlow's father, with whom he became intimate. Having observed that young Thurlow was rough and overbearing, he obtained his father's permission to send him to Canterbury school, with the master of which he had had a quarrel, in the hope that the intractable temper and fearless insolence of the future Chancellor would render him a constant source of annoyance to the unfortunate master. This plan, so creditable to its designer, is said to have succeeded most admirably; and Thurlow realised every expectation that the reverend prebendary had formed respecting his powers of annoyance.

At Cambridge he became notorious for the daring he displayed in setting the discipline of his college at defiance, and in exhibiting a most supreme contempt for the persons and character of those by whom that discipline was maintained and enforced.

Upon one occasion, having been guilty of some

act of insubordination, he was summoned before the Dean, who as a punishment for his offence desired him to translate a paper of the *Spectator* into Greek, and when he had done so to bring the translation to him. The first part of this order Thurlow obeyed; the second he disregarded. He easily performed the task imposed, but, to annoy the Dean, whose deficiencies in classical learning were notorious, carried it to one of the tutors. When the Dean heard of this, he assembled all the resident Fellows of the College, and sent for Thurlow. Upon Thurlow's entering the room, the Dean thus addressed him: "How durst you, sir, carry your translation to Mr. ——, when I desired you to bring it to me?" Thurlow replied, with the greatest composure, "that he had done so from no motive of disrespect to the Dean, but really from a compassionate wish not to puzzle him." The enraged Dean immediately desired him to quit the room, and then, turning to the Fellows present, declared that Thurlow ought to be either expelled or rusticated. Some one, however, wisely suggested that if publicity were given to the transaction, the reputation neither of the Dean nor of the college would be much benefited; and that it would be far more prudent to let the matter drop than attract further notice to it. This advice was followed.

With this Dean, Thurlow appears to have been involved in constant warfare. Upon another occasion, when summoned before him to answer some charge that had been brought against him, Thurlow's de-

meanour was not quite so respectful as the Dean considered befitted their relative stations, and rather sharply reminded him that he was speaking to the Dean of his college. Thurlow, in nowise abashed at this reproof, assumed a mock reverential air, and in every sentence of his vindication took care to insert "Mr. Dean," until the irate dignitary was compelled to dismiss both the accusation and the accused. At length, however, Thurlow received a friendly recommendation to withdraw himself from the University, in order to prevent the necessity of a formal expulsion. He left Cambridge without a degree.

But Thurlow, though a rough, harsh, and violent, was not a bad-hearted man. When he had become Chancellor, he sent one morning for his old friend the Dean, who had not forgotten, it is said, their enmity. Upon his entry, the Chancellor accosted him: "How d'ye do, Mr. Dean?" "I have quitted that office, my lord," said the reverend divine rather sullenly; "I am Mr. Dean no longer." "Well, then," said his lordship, "it depends upon yourself whether you be so again. I have a deanery at my disposal, to which you are heartily welcome."

Crabbe, soon after he came up to London, a poor penniless adventurer, sent a copy of verses to the Chancellor, with a letter imploring the honour of his patronage. To this application Thurlow made a cold reply, regretting that his avocations did not leave him leisure to read verses. Crabbe, stung with this repulse, addressed to him some strong but not disrespectful lines, intimating that in former times the

encouragement of literature had been considered as a duty appertaining to the illustrious station he held. Of this effusion the Chancellor took no notice whatever.

After Crabbe had, through the discriminating goodness of Burke, been relieved from the immediate pressure of distress, he received a note from Thurlow inviting him to breakfast the next morning. He was received by the Chancellor with more than ordinary courtesy. "The first poem you sent me, sir," said Thurlow, "I ought to have noticed; and I heartily forgive the second." They breakfasted together, and at parting, his lordship put a sealed paper into Crabbe's hand, saying, "Accept this trifle, sir, in the mean time, and rely on my embracing an early opportunity to serve you more substantially when I hear you are in orders." The paper contained a bank-note for one hundred pounds. The promise Thurlow made at that time he soon performed. When Crabbe was qualified to hold Church preferment, he received an invitation to dine with the Chancellor. After dinner, addressing the poet, his lordship told him that "by G—, he was as like Parson Adams as twelve to a dozen," and that he should give him two livings in Dorsetshire that had just become vacant.

As speaker of the House of Lords, Thurlow was distinguished for the dignity with which he enforced the rules of debate. Upon one occasion he called the Duke of Grafton to order, who, incensed at the interruption, insolently reproached the Chancellor with his plebeian origin and recent admission into the

peerage. Previous to this time, Thurlow had spoken so frequently that he was listened to by the House with visible impatience. When the Duke had concluded his speech, Thurlow rose from the woolsack, and advanced slowly to the place from whence the Chancellor generally addresses the House; then, fixing upon the Duke the look of Jove when he grasps the thunder, "I am amazed," he said, in a level tone of voice, "at the attack which the noble lord has made upon me. Yes, my lords," considerably raising his voice, "I am amazed at his grace's speech. The noble Duke cannot look before him, behind him, or on either side of him, without seeing some noble peer who owes his seat in this House to his successful exertions in the profession to which I belong. Does he not feel that it is as honourable to owe it to these, as to being the accident of an accident? To all these noble lords the language of the noble Duke is as applicable and as insulting as it is to myself. But I do not fear to meet it single and alone. No one venerates the peerage more than I do; but, my lords, I must say the peerage solicited me, not I the peerage. Nay more, I can say, and will say, that as a Peer of Parliament, as Speaker of this right honourable House, as Keeper of the Great Seal, as Guardian of his Majesty's conscience, as Lord High Chancellor of England, nay, even in that character alone in which the Duke would think it an affront to be considered, but which none can deny me,—as a man,—I am at this moment as respectable—I beg leave to add, I am at this moment as much respected—as the

proudest peer I now look down upon." "The effect of this speech," says Mr. Butler, "both within the walls of Parliament and without them, was prodigious. It gave Lord Thurlow an ascendancy in the House which no Chancellor had ever possessed; it invested him in public opinion with a character of independence and honour; and this, although he was ever on the unpopular side of politics, made him always popular with the people."*

There is one anecdote recorded of Lord Thurlow which reflects the highest credit upon him. In 1782, when Lord North resigned, the King determined to withhold from him the pension usually granted to a retiring Prime Minister. Thurlow, then Chancellor, represented to his Majesty that Lord North was not opulent, that his father was still living, and that his sons had spent a great deal of money. The King answered: "Lord North is no friend of mine." "That may be, sir," replied Thurlow; "but the world thinks otherwise, and your Majesty's character requires that Lord North should have the usual pension." The King, convinced that his Chancellor was in the right, at last gave way. This conduct was not forgotten by Lord North. When the coalition ministry came into power in 1783, Lord North became Secretary of State for the Home Department. Fox having resolved to get rid of Thurlow, North received the King's commands to write to the Chancellor, desiring him to surrender the Great Seal. North

* I am indebted for this anecdote to Mr. Butler's Reminiscences.

positively refused to comply with this order, saying, "When I retired last year, Lord Thurlow was the man who prevented my retreat from being inconvenient to me: shall the first act of my return to office be to give Lord Thurlow pain? I will not do it!" The King was amused at Lord North's pertinacity, and observed that while he kept secretaries he certainly was not bound to write his own letters. Lord North persisting, Mr. Fox was at last obliged to undertake the matter himself, although it did not come within his department. Fox discharged this duty, it is said, in a very harsh manner; which is strange, for harshness was foreign to Fox's character, and Thurlow, it is known, entertained by no means an unfriendly opinion of him.

Thurlow's convivial habits, on one occasion, exposed him to some peril. He had dined with Mr. Jenkinson at his seat near Croydon, together with Dundas and Pitt (then Chancellor of the Exchequer), and returned home with them in the evening on horseback. When the party, who were all tolerably merry, reached the turnpike-gate between Tooting and Streatham, they found it open. Having no servant with them, they determined to pass through without paying the toll. The keeper, awoke by their horse-hoofs as they galloped through, sprang up and ran into the road; and finding they did not stop when he hallooed, discharged his blunderbuss after them, fortunately without effect. He took them, it seems, for a gang of highwaymen that had been committing depredations in the neighbourhood.

The story afterwards got about, and excited much amusement.

As a Judge, Thurlow has usually been rated very high; but the tendency of modern opinion has been to estimate him somewhat lower. Mr. Butler has described his decrees as strongly marked by depth of legal knowledge and force of expression, and by the overwhelming power with which he propounded the result; but they were, he adds, too often involved in obscurity, and sometimes reason was rather silenced than convinced. This method, as it has been remarked, is precisely that which we might expect in a Judge who is indebted to the learning of others for the judgments which he delivers, and who is not himself familiar with the chain of reasoning the conclusion of which constitutes his decree. It is well known that most of his judgments were framed by Mr. Hargrave. Thurlow has been charged with allowing the causes in his Court to accumulate; but we doubt if this accumulation was not rather due to the imperfect constitution of the Court than imputable to the Chancellor himself. When on the bench, he is said to have restrained with difficulty those forms of expression which, though habitual to him, would hardly have suited the dignity of his office. He disliked, and always checked in his Court, any tendency to what is sometimes called eloquence. He once cut short a flowery advocate in the middle of a metaphor, and bade him read his brief. His behaviour towards the Bar was rough and uncouth, but not overbearing. He was probably too conscious of his deficiencies in

knowledge of law to have attempted such conduct. On the day before the Court rose for the long vacation, the Chancellor was leaving without making the then customary valedictory address to the Bar; he had nearly reached the door of his room when a young barrister said to a friend in a loud whisper: "He might at least have said D—n you!" Whether Thurlow overheard this remark, or whether until that moment the matter had escaped him, we cannot tell; but he returned to his chair and made the usual complimentary speech.

At the council-board Thurlow was both wayward and timid. Pitt used to declare that he proposed nothing, opposed everything, and agreed in nothing; a character like that which a Spanish historian gave of the unfortunate Prince, Don Carlos. He was, he said, "*Non homo, sed discordia*,"—not a man, but the spirit of discord personified. Very often matters of state were discussed at the Cabinet dinners; and Thurlow, when the cloth was cleared, refusing to join his colleagues in their deliberations, would get up, quit the table, and stretching himself at full length on three chairs, go to sleep, or at least affect to do so. With such a colleague as this, it cannot be supposed that Pitt could have much community of feeling. The dislike, however, seems to have been mutual. Thurlow very freely expressed his opinion on Pitt's conduct in supporting the Opposition in the impeachment of Warren Hastings. The grounds on which Mr. Pitt supported the impeachment differed substantially from those on which

the Opposition proceeded. Pitt grounded his support on the fact that the conduct which Hastings pursued towards Cheyt-Sing (whom he considered as a criminal, but whom the Whigs regarded as an oppressed Prince) showed an intention of punishing him too severely. This intention, Pitt contended, was criminal; and for this intention he should vote for the impeachment. When Lord Thurlow heard of Pitt's reason for supporting Mr. Burke's motion, he reprobated with vehemence the injustice of grounding an impeachment on a mere intention. "If a girl," he said in his growling style, "had talked law in these terms, it might have been excusable."

CHAPTER XVIII.

Lee, the noted Counsel, studying effect—Lord Hardwick—A Lawyer who preferred devils to saints—The Lord Chief-Justice Holt—Lord Mansfield—Dr. Johnson's opinion of a Scotchman—The Detectives—A Jew before Lord Mansfield—Lord Mansfield and the London Merchant.

LEE, who was a very noted counsel, was famous for studying effect when he pleaded. On the circuit at Norwich a brief was brought him by the relatives of a woman who had been deceived in a promise of marriage. He inquired, among other particulars, whether the woman was handsome. "A most beautiful face," was the answer. Satisfied with this, he desired she should be placed at the bar, immediately in front of the jury. When he rose, he began a most pathetic address, directing the attention of the jury to the charms that were placed in their view, and painting in glowing colours the guilt of the wretch that could injure so much beauty. When he perceived their feelings wrought to a proper pitch, he sat down under the perfect conviction of obtaining a verdict. But what was his surprise when the counsel retained by the opposite party observed, that it was impossible not to assent to the encomium which his learned

friend had lavished on the face of the plaintiff; but he begged leave to add that she had a wooden leg! This fact, of which Lee was by no means aware, was established, to his utter confusion; his eloquence was thrown away, and the jury, who felt ashamed of the effects it had produced upon them, instantly gave a verdict against him.

One morning, when Lord Hardwick had taken his seat on the bench, and the registrar had called on the first cause, his lordship informed the Court that he had received a letter with a 500*l.* bank-note enclosed. The letter solicited the Chancellor to determine the cause in his, the writer's, favour. The Judge, after the letter had been read, and he had ordered the registrar to present the note to one of the public charities, heard the cause, and decided in favour of the person who had really bribed him.

An old lawyer rented a grange, said to be haunted, at a great rent, which he paid every half year. On being asked how he durst be so bold as to live in that place, and whether he never saw any demons: "No," said he; "there be two saints in heaven trouble me more than all the devils in hell,—namely, Saint Mary and St. Michael, which be my rent-days."

It is related of Lord Chief-Justice Holt, who had been very wild in his youth, that being once at the Old Bailey, a fellow was tried for a highway robbery,

and very narrowly acquitted, whom his lordship recollected to have been one of his early dissipated companions. After the trial was over, curiosity induced him to send for the man in private, in order to inquire the fortune of the contemporaries with whom he was once associated. He therefore asked the fellow what had become of Tom such-a-one and Will such-a-one, and the rest of the party to which they belonged: when the fellow, fetching a deep sigh, and making a low bow, replied, "Ah, my lord, they are all hanged except your lordship and myself."

On a trial before Lord Mansfield, an action was brought to ascertain some privileges concerning the boundaries of two parishes, upon which a great deal of money was spent to elucidate a question which was not of threepence consequence to either party. In the course of the trial, Lord Mansfield having taken notice of some strong pointed observation which had fallen from one of the witnesses (a farmer), he begged leave to ask him a few questions, merely for information, concerning the customs of overseers and other officers who managed the parish money. The farmer with great cheerfulness appeared ready to satisfy him; and his lordship said, "In the course of your evidence I think you noticed that the parish money was very often improperly applied. Now, I do not mean to insinuate that you would be likely to misuse it; but as you mentioned that you were once churchwarden, if you have no objection, I should

wish to hear what was done with the money at that time." "Why, my lord," said the farmer, "the money was worse applied while I was churchwarden than ever I knew it in my life." "Indeed!" said his lordship; "I should be glad to know how." "Why, my lord," replied the farmer, "I'll tell you. A gentleman who had lived some time among us went into Yorkshire, where he died. In his will he bequeathed about 120*l.* to the poor of our parish. We applied for it often, but could not get it; the executors and the lawyers were determined enough to keep the money in their hands; for you know, my lord, 'tis an old saying, that might can overcome right. Well, we did not know what to do, and I came to your lordship for advice. You were then Chancellor Murray. I remember, my lord, you advised us to file a bill in Chancery. We did so; and after throwing a great deal of good money after bad, we got, I think they call it, a decree: and such a decree it was that, when all expenses were paid, I reckon we were about 175*l.* out of pocket, through acting upon your lordship's advice. Now, my lord, I leave you to judge whether the parish money was not likely to be worse employed while I was churchwarden than ever I knew it before."

Dr. Johnson, according to Boswell, would never allow that Scotland derived any credit from Lord Mansfield, as he was educated in England. "Much may be done with a Scotchman," he added, "if he be caught young."

The detective force, as a body, is a mighty fraud, and there are far too many detectives. When they were first established, it was ridiculous to see how they disguised themselves. I recollect seeing one man with a hod on his shoulder; another with a sale-catalogue in his hand, as if he was a porter in an auction-room; and a third disguised in a smock-frock and carrying a wagoner's whip. But most of this foolery is done away with now.

I was one day attending a police-court when a very respectable attorney was prosecuting two men for forgery upon a bank, for which he was solicitor. Much to his annoyance, he was obliged to attend at the police-court himself. He had called several witnesses; and seeing he was very unwell, I said, "Do you know, sir, I think you have done sufficient, as you have proved your case; and I suppose you are delighted that it is over, and that you have got rid of it." "Yes; but I have not got rid of the detectives," he replied: "they call upon me several times during the day, and always want to see me privately about some silly affair which I know nothing about; and they invariably want money."

The best story yet told about these detectives was related to me by a Queen's Counsel: the circumstance happened on his passage to London in a boat from Ipswich called the Orwell, with the late Mr. Justice Patteson. After the Queen's Counsel and Mr. Justice Patteson had been walking the deck of the boat for some time, the Judge said he must retire to the saloon-cabin, as he felt tired. Imme-

diately he had left, a detective walked up to the Queen's Counsel and said, "I beg your pardon, sir; I know you very well. Have you been robbed, as there are a number of thieves aboard this boat?" He instantly felt his pockets for his watch and money, and finding they were safe, reported this to the detective. My friend the Queen's Counsel, who is very fond of exercise, kept on pacing the deck, and was shortly joined by an acquaintance, who also soon got fatigued, and retired to the cabin. The detective immediately accosted him and said, "Now, sir, you must have lost your money." He felt again; and finding it still safe, he requested the detective to tell him why he asked him the question. "Because, sir," he answered, "the party you were walking and talking with just this moment is a notorious pickpocket; I have had him up at the Westminster Police Court several times for robbing people; and he always frequents this boat." My friend, who seemed very much surprised, stared at him and said, "Are you certain it is the same man?" "Certain," he replied. "Well, then," the Queen's Counsel said, "I will tell you who he is; for I know him very well, and have known him for years. He is the governor of Suffolk Gaol, with a salary of eight hundred a year." The detective, after hearing this, felt so ashamed of himself that he beat a hasty retreat; when who should come on deck but the Judge, to whom my friend related what had taken place with the detective. He was very anxious to see him, and they looked after him for a long time, but could not find him. At

last they gave up the search; and the Judge said, "Most likely the scoundrel has jumped into the sea."

An attorney named Else, rather diminutive in stature, and not particularly respectable in his character, once met Mr. Jekyll. "Sir," said he, "I hear you have called me a pettifogging scoundrel. Have you done so, sir?" "Sir," replied Jekyll, with a look of contempt, "I never said you were a pettifogger or a scoundrel, but I said that you were *little Else!*"

I was one day walking with my father in Bath, when we met two attorneys, who were partners, and whose names were Evill and Else; Mr. Else being a very little man. My father said, "There goes *Evil and little Else!*"

A Jew was once brought before Lord Mansfield to justify bail for fifty pounds, who made up in lace upon his coat what he wanted of honesty in his character. The counsel put to him the usual question: "Are you worth fifty pounds after your just debts are paid?" "How can you ask such a question?" exclaimed Lord Mansfield; "don't you see that he would burn for thrice the money?" This spirit of humour was natural to him.

At the Guildhall sittings an action for debt was tried before him, in which the defendant, a merchant of London, complained with great warmth of the plaintiff's conduct in having caused him to be ar-

rested, not only in the face of day, but upon the Exchange, where all the merchants of London were assembled. Lord Mansfield stopped him with the greatest composure, saying, "My friend, you forget yourself; you were the defaulter in refusing to pay a just debt. Now let me give you this piece of advice: for the future, do not put it in any man's power to arrest you, either in public or private."

CHAPTER XIX.

The Eccentric Society — Brownley and Graham — A very tall Yorkshire attorney—A clerk in the Bank of England who had been a member of one of the Inns of Court—His end and death.

FOR many years I attended, and was a member of, the Eccentric Society, which was held at different houses, but for a long time at the Cumberland Arms, May's Buildings, and consisted chiefly of young students and lawyers. It was a debating society, and many were the clever speakers that belonged to it. The late Lord Campbell and Serjeant Murphy, Mr. Adolphus, Mr. Brownley, a Mr. Graham, Mr. Tyres, the Woods who were on the *Times* newspaper, and a host of others, were generally the speakers of the night. The meeting used to commence at eleven, or soon after the theatres were over; a chairman was immediately proposed, and a charge was brought against some gentleman in the room, which opened the debate. The more eccentric the speeches, the more pleased were the members of the club. Witnesses were usually called. I was very often a witness; and frequently, what with the speeches and with the evidence, the rows that took place were

frightful. I recollect a tall Yorkshireman, six feet high, making a speech in which he attacked the Irish, of whom there were many present. He began by saying that at this time of the year, according to Lady Morgan, numbers of young Irishmen land at Liverpool, and it's the hazard of a die whether they turn out porters or reporters. This enraged many of the Irish members, but was nothing to what followed. The Yorkshire attorney put up both his hands and said, "Thank God we shall have no more rioting in Ireland! We have sent over the 41st Regiment, the 16th Dragoons, and a large detachment of artillery; and now they shall not have any more pleasure in cutting off young women's breasts and killing young children." All had to interfere to keep the young Irishmen from attacking him. I am not going to describe the row that took place.

On another occasion I recollect a doctor being present who kept a large school at Blackheath, and who seemed to enjoy the society very much; when up started a barrister and brought a charge against him of ignorance, and of defrauding the public by keeping such an establishment. Many were the witnesses called to prove that he could hardly read or write, and that he never paid the tradesmen who supplied the food for his pupils. They asked him where Virgil was born, and many questions which they knew he could not answer. At last a member got up, and made a very short speech, pretending to take his part, and finishing with a prayer that God Almighty would forgive the parents for sending

their children to such an impostor. The doctor took up his hat and ran out of the room, in the greatest rage I ever saw a man in. He never appeared among us again; but I think I saw his name in the Tuesday's or Friday's *Gazette* shortly after.

I mention the name of Mr. Brownley because he was considered the best speaker at the Eccentrics. He was on the *Times* newspaper for a long time, and used to spend his evenings at a public-house called the Horseshoe, up a court upon the site of which the present Law Institution is erected. But nearly equal to Brownley was Graham, a very different man, handsome and always well dressed. He had read law with Mr. Maskell, a pleader of Red Lion-square, who told me he was the cleverest pupil he ever had; but dissipation, theatres, and gambling ruined his prospects. It was amusing to see him at the Italian Opera-house talking to different people in the boxes, for he could speak most of the European languages. He started, I believe, the *Athenæum;* at any rate he must have been a principal contributor, for I often changed cheques drawn upon Mr. Sheriff Whittaker, the bookseller of Amen-corner, who became afterwards a great friend of his. He lost a large sum by gambling, and was at his wits' end how to pay it. At last he bethought himself of forging upon the sheriff to the amount of five 100*l.* bills, which he would have had no difficulty in getting discounted; but unfortunately, on walking along the Strand, he dropped them from his pocket. He immediately came to my chambers, and informed me

of what had happened,—that he had forged upon the sheriff and lost the bills. I said, "You must immediately go abroad; in law it is 'an utterance:' you know that forgery is a capital offence, and you will be sure to be executed." He replied, "Jay, I will get all the money I can, and start for Liverpool this evening. I will book my place at Charing-cross; and we will dine together at George's Coffee-house, at the corner of Essex-street, this evening." We had an excellent dinner, and I did all I could to cheer him, it being a very wet night; the coach was to call for him at seven o'clock. At length we heard the sound of the horn. He jumped up, and, passing through the coffee-room—at each side of the glass over the fireplace were the Covent-garden play-bills in a small frame, it being the custom of the house so to display them—he pointed to the one for Drury-lane, which happened to be Holcroft's play of the *Road to Ruin*. This was the last time I ever saw him. I may mention that Canning once heard him speak at the sheriffs' dinner, and was so favourably impressed that he intimated his intention of procuring him a seat in parliament.

Several days after he left for Liverpool I received a brown-paper parcel and a letter, the parcel enclosing a sermon preached at the Baptist meeting, Broadmead, Bristol, on the 5th June 1825, by the Rev. Robert Hall, on the occasion of the death of the Rev. John Ryland, D.D. It was a beautiful letter, and he said the sermon was the most eloquent he had ever read. He regretted that he had no friends or rela-

tions to consult; but he cheered himself by the sight of the flags of different nations floating from the masts of the vessels in the Liverpool docks. I have the sermon before me, with the following extract marked in pencil. Perhaps I should mention that he was afraid the letter would be opened at the Post-office, and therefore thought a parcel the safer mode of communication.

"The sympathies even of virtuous minds, when not warmed by the breath of friendship, are too faint and cold to satisfy the social cravings of our nature; their compassion is too much dissipated by the multiplicity of its objects and the varieties of distress to suffer it to flow long in one channel; while the sentiments of congratulation are still more slight and superficial. A transient tear of pity, or a smile of complacency equally transient, is all we can usually bestow on the scenes of happiness or of misery which we meet with in the paths of life. But man naturally seeks for a closer union, a more permanent conjunction of interest, a more intense reciprocation of feeling. He finds the want of one or more with whom he can trust the secrets of his heart, and relieve himself by imparting the interior joys and sorrows with which every human breast is fraught. He seeks, in short, another self, a kindred spirit, whose interest in his welfare bears some proportion to his own, with whom he may lessen his cares by sympathy and multiply his pleasures by participation.

"The satisfaction derived from surveying the most beautiful scenes of nature, or the most exquisite

productions of art, is so far from being complete that it almost turns into uneasiness when there is none with whom we can share it; nor would the most passionate admirer of eloquence or poetry consent to witness their most stupendous exertions upon the simple condition of not being permitted to reveal his emotions. So essential an ingredient in felicity is friendship, apart from the more solid and permanent advantages it procures, and when viewed in no other light than as the organ of communication, the channel of feeling and of thought. But if joy itself is a burden which the heart can ill sustain without inviting others to partake of it, how much more the corrosions of anxiety, the perturbations of fear, and the dejection arising from sudden and overwhelming calamity?"

I often dined with Graham in company with Mr. Brick, who was for many years a clerk of Daniel O'Connell's, but who afterwards was called to the English bar; and, curiously enough, the conversation often turned upon duelling; Brick always declaring that nothing would induce him to fight a duel, whilst Graham said that he would as soon fight a duel as dine. Poor Brick, soon after going over to Ireland, insulted the son of a member of parliament at the Post-office, who challenged him; Brick accepted it, and was shot through the heart.

Brick had been on most intimate terms with Cobbett, who used often to dine with me at Serjeants' Inn, and they quarrelled—of course about money. Cobbett saw his death in the newspaper,

and in the next week's *Register* said that the clergyman who buried him would not say "Dust to dust and ashes to ashes," but taking up a brick would say "Brick to Brick."

Poor Graham sailed to America, got engaged as editor of a paper, quarrelled with a gentleman, fought a duel, was killed, and was brought home the next morning in a dung-cart.

A singular and very intricate fraud was discovered in the early part of the year 1821.* The perpetrator was William Swiney Barnard Turner, one of the clerks in the service of the corporation of the Bank of England. It is painful to record internal treachery. It was the duty of Turner to post on a certain day 4795*l.* 15*s.* in the Navy 5*l.* per Cents to the account of the first Sir Robert Peel. In place of this he gave him credit to the extent of 14,795*l.* 15*s.*, thus increasing the amount due to Sir Robert by 10,000*l.* Having secured the foundation of the object which he had in view, the next movement was to dispose of the amount which he had thus created by a single stroke of his pen. The second step was effected with almost as much facility as the first, by opening an account in the fictitious name of J. Penn of Highgate, whom he credited to the amount of 10,000*l.* A purchaser was found, the stock appeared to the credit of the seller, and the transfer was effected.

* The unfortunate subject of this anecdote commenced his career by being admitted into one of the Inns of Court, but left to enter the Bank of England.

The fraud was found out by the discovery that a leaf had disappeared from the transfer-book; and that it was not accidental was proved from the fact that the paging of the leaves had been altered in order that they might be consecutive. Various circumstances pointed to the probability that Turner was the culprit, and he was taken before the directors in the Bank parlour, where he underwent an examination. The result was a confirmation of the suspicion, and Foy the officer was directed to detain him till the next day. From the respectability of Turner (he being the son of the late Sir Barnard Turner, Knight, an eminent sugar-baker in his day, who commanded the city volunteers during the riots in 1780), and from the confidence which had previously existed in his integrity, Foy was permitted to take his prisoner to any place which he thought might be most convenient, and where his comfort would be as little abridged as possible. With this permission he was taken to the Crown Tavern on Clerkenwell Green, in a bedroom of which he was confined. About one o'clock in the morning, as the watchman proceeded on his rounds, he was suddenly startled by the sound of breaking glass, and looking up, saw a figure suspended from the third-floor window, which the next moment fell heavily to the ground. The unfortunate adventurer proved to be Turner, who had thus attempted to make his escape. In a most deplorable condition he was removed to St. Bartholomew's Hospital, and on the 18th of September following, supported on crutches,

he appeared to take his trial at the Old Bailey, the late Mr. Serjeant Bosanquet conducting the prosecution.

Out of fifteen notes received for the forgery, twelve had been traced to Turner. Great difficulty in bringing the crime home was occasioned by the fact that he had destroyed many evidences of his guilt. On the trial, as the only witness who was disposed to swear decidedly to the writing of the prisoner was answering the questions put to him, Turner whispered to his counsel, who immediately said, "Do you believe the New Testament to be a revelation from God?" The witness hesitated, and the question was repeated. "Yes, I do," was the reply, uttered in a faint tone. He was, however, again pressed; and evidence being produced to prove that he had frequently avowed his disbelief, the prisoner's fate was mainly decided by this knowledge, and the jury returned a verdict of "Not guilty." With the money thus disgracefully obtained Turner went to Italy, and resided for some time on the banks of the beautiful lake of Como, and also in Paris, where he dissipated his property by speculations on the Bourse, and returned to England; nor was it long before he was found, early in the morning, behind the tables of the Bank of England, examining some books which were exposed. His object was never known, but it is presumed it was to assist him in some further fraud. Retributive justice overtook him, as it overtakes most who depart from the path of rectitude. He did not die in an

obscure street in London, as has been stated, but perished most miserably, on the 5th of March 1836, in the city of York. A detailed account of his end appeared at the time in the provincial papers, from which the following extract is copied:

MELANCHOLY CASE OF DESTITUTION AND DEATH.

"Last Saturday morning (March 5, 1836), about eleven o'clock, a person of respectable appearance stopped at the door of Mr. Deighton, the Crown Inn, in Parliament-street in this city (York), and rested on the step. From his manner, Mrs. D., who observed him, thought he was in liquor; but on speaking to him she soon discovered he was very ill, and humanely assisted him into the house. She placed him in a chair, but he immediately fell upon the floor; she then with assistance took him into the passage, thinking fresh air might restore him, but he again fell from the chair. Medical aid was then immediately procured, and the poor man was placed in bed, where he expired shortly afterwards. He was an utter stranger to the person who had humanely attended to him; but from the circumstance of his having a book in his hand belonging to Moxon's library, an application was made there, and his name obtained. He had 4*s.* 0¾*d.* in his pocket, and in his hat some crusts of bread. An inquest was held on the body in the afternoon by Mr. Seller, and a verdict, 'Died by the visitation of God,' returned. The body was interred the following day in St. Sampson's churchyard. It appears from letters and me-

moranda found on the unfortunate individual that he was the son of Sir Barnard Turner; and some years ago, having embarked a large fortune in foreign trade, he resided at No. 21 Rue Franklin, Passy, near Paris, where he carried on business with considerable success, until the French Revolution of 1830, when, like thousands of others, he was reduced to beggary at a single blow. He had previously lost his wife and child, and came over to England in hopes of retrieving his fortune. This he was not able to effect, and he has since wandered about in a state of destitution and almost starvation; a melancholy instance of the transitory nature of all human affairs. He had lately been confined in the Castle for debt; and whilst there he received, in answer to a petition, a donation of 5*l.* from his Majesty's (Wm. IV.) privy purse. The letter which accompanied it was found in his pocket, written by Sir Henry Wheatley, and directed 'Wm. Swinny B. Turner, Esq., York Castle.' A copy of his answer to Sir Henry Wheatley is also amongst his papers, and from this it appears that the unfortunate gentleman resided upwards of twenty years in a house at Hampton Court belonging to his Majesty. There is another circumstance which sheds additional melancholy interest on this distressing case. We learn from his papers, that some time after the death of his wife and child he had become attached to a lady in Paris named Jeannette Bäetz; and a number of letters written in French, breathing the tenderest affection and most devoted attachment, were found in his pocket, carefully wrapped up in leather

to preserve them from destruction. During a course of four years had the correspondence been carried on, each letter being more tender than the preceding one, and all animated by the ardent hope that the day of his return was approaching, and the termination of his troubles at hand. The last one especially, dated the 1st of January 1836, and enclosing a lock of beautiful hair, seemed to surpass all others in tenderness, and entreated him to name the day on which the writer might hope to see him again. The address of Mademoiselle Büetz has been found among the papers. Should this meet the eye of anyone connected with this unfortunate man, the letters may be seen on application to the printer of this paper."—*The Yorkshireman*, Saturday, March 12, 1836.

The history of these two gentlemen proves that very witty boys at school do not always succeed in life. Perseverance and a habit of attention are of more value than that sort of natural talent which consists in quickness of apprehension. A celebrated ambassador of the last age, when told what a clever boy his son was, exclaimed, "I would rather you had told me how industrious he was." Sir Henry Wotton, the famous provost of Eton College, it is related by Aubrey, could not endure wits. When any young scholar was commended to him as a wit, he would say, "Out with him! I will have nothing to do with him. Give me the plodding student. If I would look for wits, I would go to Newgate for them—there be the wits."

Something similar was the opinion of Hogarth. "I know of no such thing as genius," said he to Mr. Gilbert Cooper; "genius is nothing but labour and diligence."

The well-known Judge Dodderidge declares that he found by experience that among a number of quick wits in youth, few are in the end very fortunate for themselves, or profitable to the commonwealth.

Sir Isaac Newton used to ascribe his vast discoveries in nowise to the superiority of his mind, but to the habit of patient thinking to which he had always accustomed himself.

CHAPTER XX.

Old Black-Jack Tavern in Portsmouth-street, Lincoln's-inn-fields —The speakers—Curran—Kenyon—Dunning—Horne Tooke —Erskine—Bishop Shipley—Lord Brougham laying foundation-stone of City of London School—Brougham and Scarlett.

I BELONGED to a club, held every Saturday at the Old Black-Jack Tavern in Portsmouth-street, Lincoln's-inn-fields. It consisted for the most part of barristers and attorneys. On one Saturday I had the honour of dining at the club with the late Mr. Curran, formerly Master of the Rolls, Dublin. Many of the members were very able speakers; but one of the best was Mr. Charles Pearson, proctor—a far superior man to his namesake, the late City solicitor. A Mr. Quin, a common-councilman of the ward of Farringdon Without, and a Mr. Ayrton, who I fancy was the father of the present member for the Tower Hamlets, were also sure to make speeches. They proposed Mr. Curran's health; but he merely thanked them and sat down, instead of making, as they expected, an eloquent speech. The room was a very large one, and a number of pictures of old actors were hung on the walls. The dinners were plain, and the wine good. I lately visited the room, and found it quite altered: the pictures gone, the tavern become a common public-house, and

lines were hanging from one end of the room to the other, on which clothes were drying.

I should have related several anecdotes about Curran but for my late friend Charles Phillips having written one of the most interesting books of its class, entitled *Curran and his Contemporaries*, as well as Dr. Croly, the late rector of St. Stephen's, Walbrook, City, whose book I have lost; but I very well recollect what Mr. Phillips said, on going over to Dublin and seeing Curran in court. He told me that he looked like a hawk,—his brief indorsed with blood,—most of the prisoners whom he defended being convicted and executed. At the same time his friend the Hon. Mr. Erskine, in England, was receiving hundreds of guineas upon his briefs.

Curran, though born in Ireland, was an English barrister, but his patriotism prevented him from practising in a field where his great talents would have been better appreciated.

Mr. Curran, than whom a more intrepid advocate never existed, was one day exerting himself with more than ordinary zeal in the cause of a client, when the presiding Judge called out to the sheriff to take into custody anyone who should venture to disturb the decorum of his court. "Do, Mr. Sheriff," exclaimed Curran, unawed: "go and get ready my dungeon; prepare a bed of straw for me; and upon that bed I shall to-night repose with more tranquillity than I could enjoy were I sitting upon that Bench with a consciousness that I *disgraced* it."

I cannot forbear citing another instance of the

undaunted spirit of the accomplished advocate. In arguing some case before Mr. Justice Robinson, celebrated for his talents as a political pamphleteer and his attachment to despotic principles, Curran observed that he had never met with the law as laid down by his lordship in any book in *his* library. "That may be, sir," said the Judge contemptuously; "but I suspect that your library is very small." The young barrister indignantly replied, "Yes, my lord, my library may be small, but I thank God you will find in no part of it the wretched productions of the frantic pamphlet-writers of the day. I find it more instructive," he added, "to study good books than to compose bad ones. My books may be few, but the title-pages give me the writers' names: my shelf is not disgraced by any such rank absurdity that their very authors are ashamed to own them." "Sir," exclaimed the Judge in a furious tone, "you are forgetting the respect that you owe to the dignity of the judicial character." "Dignity, my lord!" retorted Curran; "upon that point I shall cite you a case from a book of some authority, with which you are perhaps not unacquainted. A poor Scotchman, upon his arrival in London, thinking himself insulted by a stranger, and imagining that he was the stronger man, resolved to resent the affront, and taking off his coat, delivered it to a bystander to hold; but having lost the battle, he turned to resume his garment, when he discovered that he had unfortunately lost that also—that the trustee of his habiliments had decamped during the affray. So, my lord, when the

person who is invested with the dignity of the judgment-seat lays it aside for a moment to enter into a disgraceful personal contest, it is vain, when he has been worsted in the encounter, that he seeks to resume it—it is vain that he endeavours to shelter himself behind an authority which he has abandoned." The Judge cried out, "If you say another word, sir, I'll commit you." "Then, my lord, it will be the best thing you'll have committed this year." The Judge did not keep his threat. He applied, however, to his brethren to unfrock the daring advocate; but they refused to interfere, and so the matter ended.

Curran's course of study and manner of awaking himself in London he thus describes: "I have made some additions to my wardrobe, and purchased a fiddle, which I had till then denied myself. Do not think, however, from my mentioning these indulgences, that I have diminished my hours of reading. All I have done by the change is employing the time that must be otherwise vacant, in amusement instead of solitude. I still continue to read ten hours every day, seven at law, and three at history and the general of politics; and that I may have time enough, I rise at half-past four. I have contrived a machine after the manner of an hour-glass, about which perhaps you may be curious, which wakens me regularly at that hour. Exactly over my head I have suspended two vessels of tin, one above the other. When I go to bed, which is always at ten, I pour a bottle of water into the upper vessel, in the bottom of which is a hole of such a size as to

let the water pass through so as to make the inferior reservoir overflow in six hours and a half. I have had no small trouble in proportioning these vessels; and I was still more puzzled, for a while, how to confine my head so as to receive the drop; but I have at length succeeded."

Those who knew Mr. Curran in after-life will be surprised at the ten hours of daily study, and particularly at the portion allotted to law. Every credit is due to his assertion, for he was a person of the strictest veracity.

How different is the studying of the barristers of the present day to that of Curran! I have seen a great many of them, and I think they never read at all. I used to be in the habit of walking late at night with a great pleader and a barrister, a Q.C., when many of the young barristers used to join us who had just left their clubs. Some of them bragged of their having a brief with a good fee on it—some with only a guinea; but they all said that they had purchased a cold bath; which enraged the Q.C. so much that he said, "D— your cold bath! That won't assist you in your profession: you are all out so late of a night. Sell the cold bath, and go to bed early;—though I don't believe any of you have got one."

I will give here another extract from Phillips's *Life of Curran*, which will interest my readers:

"When I was called to the Bar, he was on the Bench; and, not only bagless but briefless, I was one day with many an associate taking the idle round

of the Four Courts, when a common friend told me he was commissioned by the Master of the Rolls to invite me to dinner that day at the Priory, a little country villa about four miles from Dublin. Those who recollect their first introduction to a really great man may easily comprehend my delight and my consternation. Hour after hour was counted as it passed; and, like a timid bride, I feared the one which was to make me happy. It came at last — the important five o'clock, the *ne plus ultra* of the guest who would not go dinnerless at Curran's. Never shall I forget my sensations when I caught the first glimpse of the little man through the vista of his avenue. There he was, as a thousand times afterwards I saw him, in a dress which you would imagine he had borrowed from his tipstaff — his hands in his sides, his face almost parallel with the horizon, his under-lip protruded, and the impatient step and the eternal attitude only varied by the pause during which his eye glanced from his guest to his watch, and from his watch reproachfully to his dining-room. It was an invincible peculiarity: one second after five o'clock, and he would not wait for the Viceroy. The moment he perceived me, he took me by the hand, said he would not have anyone introduce me, and, with a manner which I often thought was charmed, at once banished every apprehension, and completely familiarised me at the Priory.

"I had often seen Curran, often heard of him, often read of him; but no man ever knew anything about him who did not see him at his own table with

the few whom he selected. He was a little convivial deity! He soared in every region, and was at home in all; he touched everything, and seemed as if he had created it; he mastered the human heart with the same ease that he did his violin. You wept, and you laughed, and you wondered; and the wonderful creature who made you do all at will never let it appear that he was more than your equal, and was quite willing, if you chose, to become your auditor."

When he was a student, Kenyon was very intimate with Dunning and Horne Tooke, both of whom were then keeping their terms. The trio used generally to dine together in vacation at a mean little eating-house near Chancery-lane. The splendour of their fare may be imagined from the fact that it cost them sevenpence-halfpenny each. "As to Dunning and myself," Tooke would say, "we were generous, for we gave the girl who waited a penny apiece; but Kenyon, who always knew the value of money, sometimes rewarded her with a halfpenny, and sometimes with a promise." When he was called to the Bar, his prospects did not improve. He was doomed to sit, term after term, on the back benches unknown, and with scarcely any chance of success. The spirits of almost any other man would have broken down under circumstances so discouraging; but Kenyon was made of sterner stuff. He fagged on with courage; increasing his knowledge of the law by taking copious notes of the decisions of the bench when in court, and incessantly reading the text-books and

reports when in chambers. At length he became gradually known as a pains-taking, working counsel, who might be safely depended on in cases where industry and patience were particularly required. A reputation of this kind was the foundation of his fortune. He made no sudden hit, acquired no unexpected triumph; but, by steady and unceasing labour, he proved—and we commend the lesson to all placed in similar circumstances — that whoever does justice to the law, to him in the end will the law do justice.

During his studentship Dunning encountered all those difficulties which beset men who strive with slender means to succeed in an expensive profession. His father allowed him while he was a student, and for a few years after he was called to the Bar, a hundred a year. He lived in Pump-court, up two pair of stairs. He is said to have studied so hard, that he made a rule of never leaving his chambers during the day, devoting himself to his books from an early hour in the morning until late in the evening, when he went to the Grecian or George's coffee-house. There assembled the wits of the day, whom he charmed with his witty sallies and extensive information; while, to economise his time, he partook of dinner and supper in one meal. His difficulties did not cease when he was called. For the three first years his fees did not amount to one hundred guineas. The receipts of the fourth year exceeded a thousand; and he is said to have made from eight to

ten thousand a year during the last twelve years he was at the bar.

It is related of the Honourable Mr. Erskine, that, when his business, though increasing, was still small, somebody met him in Westminster Hall, and congratulated him on his good-looks and apparent flow of spirits. "Why," said he, "I ought to look well; for I have nothing to do but to grow, as Lord Abercorn said of his trees."

"Neither God nor man," says Bishop Shipley, "will consent that true honour and credit shall be obtained by any other expedients than wisdom and integrity."

I was present when the foundation-stone of the City of London School, built on the site of Honey-lane-market, was laid. This school has been very successful, two senior wranglers at Cambridge having been educated there. One of them had never been at any other school. Mr. Alderman Hale was mainly instrumental in its being built; and Dr. Mortimer was the head-master, and a great cause of its success. I attended with Charles Phillips on the occasion. The spectators were admitted by tickets. Lord Brougham kept his time, and was much applauded on his entrance. He performed the customary trowel-and-mortar ceremony; and, after repeating the words usual on these occasions, retired immediately to his carriage, without making any speech, much to the

surprise of the assembled company, who fully anticipated his doing so, especially as the object of the ceremony was the furtherance of education, which was his principal topic. I was sorry for the ladies and gentlemen present, to whom his speedy departure, under the circumstances (apparently in ill-humour), was evidently a source of regret and annoyance.

No doubt the best speech Mr. Brougham ever made was at the trial of John Ambrose Williams for a libel on the clergy, contained in the *Durham Chronicle* of August 18th, 1821; tried at the summer assizes at Durham on Tuesday, August 6th, 1822, before Mr. Baron Wood and a special jury. The Bishop of Durham was on the Bench. A capital extract from this speech may be worth giving:

"But surely, if there is any one corner of Protestant Europe where men ought not to be rigorously judged in ecclesiastical controversy; where a large allowance should be made for the conflict of irreconcilable opinions; where the harshness of jarring tenets should be patiently borne, and strong or even violent language be not too narrowly watched,—it is this very realm in which we live under three different ecclesiastical orders, and owe allegiance to a sovereign who in one of his kingdoms is the head of the Church—acknowledged as such by all men; while in another neither he nor any earthly being is allowed to assume that name: a realm composed of three great divisions, in one of which prelacy is favoured by law, and approved in practice by an episcopalian people; while in another it is protected

indeed by law, but abjured in practice by a nation of sectaries—Catholic and Presbyterian; and in a third it is abhorred alike by law and in practice, repudiated by the whole institutions, scorned and detested by the whole inhabitants. His majesty, almost at the time in which I am speaking, is about to make a progress through the northern provinces of this island, accompanied by certain of his chosen counsellors; a portion of men who enjoy, unenvied and in an unequal degree, the admiration of other countries, and the wonder of their own: and there the prince will see much loyalty, great learning, some splendour, the remains of an ancient monarchy and of the institutions which made it flourish. But one thing he will not see. Strange as it may seem, and to many who hear me incredible, from one end of the country to the other he will see no such thing as a bishop—not such a thing is to be found from the Tweed to John-o'-Groat's; not a mitre, no, nor so much as a minor canon or even a rural dean; and in all the land not one single curate. So entirely rude and barbarous are they in Scotland, in such outer darkness do they sit, that they support no cathedrals, maintain no pluralists, suffer no non-residence; nay, the poor benighted creatures are ignorant even of tithes. Not a sheaf, or a lamb, or a pig, or the value of a ploughpenny, do the hapless mortals render from year's end to year's end! Piteous as their lot is, what makes it infinitely more touching is to witness the return of good for evil in the demeanour of this wretched race. Under all this cruel neglect of their spiritual con-

cerns, they are actually the most loyal, contented, moral, and religious people to be found, perhaps, anywhere in the world."

A certain new trial having been moved for, the following scene took place in court on the motion being argued:

Mr. Scarlett asserted that the words "of and concerning" were in his copy of the information.

Mr. Brougham was confident they were not.

Mr. Justice Bayley read the passage from the record, which proved that Mr. Brougham was correct.

Mr. Scarlett. It was so in my copy. I was equally confident with you.

Mr. Brougham. Yes; but there was this difference: you were confident, and wrong; I was confident, and right. (*A laugh.*) The difference was merely between a well-founded observation and one that had no foundation at all. I only mention this to prevent any further interruptions, of which I have already had two.

The learned counsel then proceeded to take two objections to the record: First, that the count charged an offence different from that which the jury had found; and, second, that the offence of which the jury had found the defendant guilty, supposing it to be the same with that stated, was in itself too vague and uncertain to be made the foundation of any judgment.

CHAPTER XXI.

Four indictments against the *Age* newspaper—The *Satirist*—Mr. Williams, afterwards Judge of the Queen's Bench—Lawyers and Doctors—Serjeant Prime.

I HAVE alluded to Lord Brougham in a former chapter, before he left the Bar. After Lord Ellenborough's death he returned to it, and suddenly got into great business. He was Attorney-general to Queen Caroline, which entitled him to a seat within the bar. I always employed him, and obtained for him many briefs. I was at that time attorney for the *Age* newspaper, which had a great sale; for it was one of the most scandalous and libellous papers that was ever circulated. It belonged to a very clever man of the name of Gent, who, finding that he could not libel everybody with impunity, sold it to a Mr. Richards, who still kept on libelling in the same way that Mr. Gent had done. The public could stand it no longer, and, to my astonishment, there were four indictments against Mr. Richards. I forget the names of the prosecutors, except one, who was a well-known character at the west-end of the town and at the clubs, of the name of Raikes. I drew up a short brief for the defendant in all the four cases;

and it is very remarkable that they were all in the list on the same day at the Queen's Bench. So certain was I that he would be found guilty, that I said to him, "It is of no use throwing away money for counsel." The first case was called on. Mr. Scarlett appeared for the prosecution, and made an excellent speech against Richards. Mr. Justice Abbott summed up, and, to the astonishment of everybody in court, the jury brought in a verdict of Not guilty. The next indictment was called on, before which Richards and myself had a consultation in the passage of the King's Bench; and I said, "This is not half so libellous as the one that has just been tried; we can't do better than not employ counsel, and save the fee." In this case the Judge summed up, and the jury returned a verdict of Not guilty. The third case—for there must have been a plot with all the prosecutors to have them all set down at the Associates' Office at the same time—was not a very bad libel; but Mr. Richards would insist upon giving a brief to Mr. Williams, who was a Queen's Counsel, and member for Lincoln, and had been a Fellow of Trinity College, Cambridge, and was afterwards made one of the justices of the King's Bench. He made an excellent speech, and the jury returned a verdict of Not guilty. It was now one o'clock, and the jury went out for refreshments. The next indictment was Raikes against Richards; and Richards and myself agreed to give Mr. Brougham the brief that I had prepared, with a large fee marked upon it. I delivered it to him in court, when the Court

assembled. Mr. Scarlett, who was concerned for the prosecution, without delay addressed the Court, and said he would have a fresh jury, which was immediately granted; but this took up some time,—for only eight answered to their names,—which gave Mr. Brougham more time to read his brief. After some time the jury made their appearance, and were sworn. The cause was called on, and Scarlett made a very good speech. When he had finished, up started Brougham, who appeared much pleased with his brief, and addressed the jury: he made one of the best speeches I ever heard, many barristers agreeing with me that it was the best speech Brougham ever made in court. He spoke for upwards of an hour. I have not got the speech; but it was afterwards printed in a pamphlet: it was chiefly taken up with ridiculing fashionable young men at the west-end of the town, lounging about at clubs and gambling. At the finish there was applause, which was soon suppressed by the Judge, who summed up, and the jury immediately returned a verdict of Not guilty. But the next day Brougham's speech was published in all the papers; and Mr. Raikes sent Mr. Brougham a challenge, and I was sent for. They were both members of Brooke's club. How it was settled I never heard; but there was no duel fought. Mr. Richards had a likeness of Mr. Raikes, who was a very plain man, much marked with the small-pox, but one of the best-dressed men in London, for he led all the fashions. Richards had the likeness engraved for his newspaper the next week.

I knew nothing about it, and was very angry with Mr. Richards for doing it, as it was very improper.

The reader will see that Not guilty was the verdict in four indictments in one day. If such a thing were to happen again, it would be a miracle. Mr. Richards soon after died; the paper was sold, and the name changed to that of the *Satirist*—I was not attorney for it, nor did I know the editor—a far more libellous paper than the *Age*. Numbers of actions for libel were brought against the editor of the paper; and much rejoicing took place when it became defunct. The last year it was kept alive by sending the libels in manuscript before they were printed, and demanding money thereon, which very often succeeded. One of the most impudent things the editor ever did was to accept an invitation from a rich young lieutenant in the Horse-guards to dine at Kensington Barracks with the mess. I had always heard that he was a very pleasant man at a dinner-party; and having a good memory, he recollected all the conversation that took place at the mess; printed the worst part of it, and sent it to the barracks the next day, with a note saying that unless he received a certain sum, it would appear in the next paper. I have heard that the mess subscribed the money; so the public were saved from reading such rubbish.

The lawyer has not the opportunity possessed by the medical man of showing the eccentricity of his character. With his clients he is rarely brought in contact; and in court his duties are of that precise

and defined character which afford but little scope for the exhibition of any peculiarities which may mark his temper or disposition. At the bedside of his patient, or in consultation with his friends, in short in the every-day practice of the profession, the surgeon and the physician are constantly exposed to situations in which their personal characters and peculiar traits necessarily disclose themselves. The medical man, again, enjoys, from the nature of his pursuits, a wider and more intimate intercourse with society; he is looked on as the friend and counsellor of many to whom he was in the first instance recommended by his professional talents, but who have learnt to repose so much confidence in his character as to advise with him on their own private affairs, or those of their relations. From these circumstances greater information as to the personal character of our eminent medical men has been acquired than their kind of duties could ever enable us to obtain respecting our celebrated lawyers.

The lawyer, however, unlike the medical man, has nothing to gain by assuming eccentricity; rough, uncourtly, and disagreeable manners have never been considered a way of "getting on at the Bar." But, as is well known, not a few eminent medical practitioners, in either branch of the profession, have derived both fame and profit from insulting every patient whom chance has thrown in their way. "He is such a rude man, he must be vastly clever," is a reflection which not uncommonly suggests itself to the minds of the valetudinarians; and hence the

large fortunes which men, whose ferocity of manners has rendered them unfit for civilised society, have so often acquired. The eccentricities of our lawyers have, therefore, been natural to them, and have, for the most part, arisen from the abstruse nature of the subjects with which their minds have been conversant rendering them ignorant or neglectful of the customs of the world, whether as respects conduct, opinions, or manners.

Serjeant Prime was a good-natured but rather dull man, and, as an advocate, wearisome beyond comparison. He was retained on one occasion to argue an ejectment case on circuit. The day was intensely hot, and, as the case excited great interest, the court was crammed full. Prime made a three hours' speech, whose soporific influence, aided by the atmosphere of the court, was most potent. A boy, who was anxious to see all that was to be seen, early in the proceedings managed to clamber up to the roof of the court, and seated himself on a transverse beam over the heads of the spectators. The heat and the serjeant's dulness soon overcame him. He fell fast asleep, and, losing his balance, came tumbling down among the people below. He fortunately escaped with only a few bruises; but several persons in the court were severely hurt. For this offence the serjeant was tried at the circuit-table, found guilty, and sentenced to pay three dozen of wine towards the mess, which he did with the greatest possible good-humour.

A counsel once getting up to reply to one of his lengthy orations, which had made the jury very drowsy, began, "Gentlemen, after the long speech of the learned serjeant—" "Sir, I beg your pardon," interrupted Mr. Justice Nares; "you might say, after the long soliloquy; for my brother Prime has been talking an hour to himself!"

CHAPTER XXII.

Pierce Egan—Brougham, his opinion of young Richardson—Beefsteak Club—Tom and Jerry—Mr. Justice Williams at Bury St. Edmunds—Lord Northington and a Quaker.

FOR many years I had as a client the celebrated Mr. Pierce Egan, the author of a guide to Bath entitled *Walks through Bath; Boxiana; The Life of an Actor; Life in London, or the Adventures of Tom and Jerry; &c. &c.* The latter was so successful as a book that it was dramatised, in which form it had a great run at the theatres, and since then has been revived several times. The book itself is said to have afforded more useful information to the then government as to the actual state of society in London, more especially amongst the lower orders, than anything else at that time written. Mr. Egan also started a newspaper under the title of *Pierce Egan's Life in London*, which sold very well, and was patronised not only by sporting men and farmers, but by many gentlemen, who found amusement in the leading and other articles, frequently political, but written in Mr. Egan's peculiar humorous or sporting style. What was remarkable in respect to the paper was that for a considerable time he conducted and published it by himself, with the sole assistance of a youth of the

name of Richardson. Of course there were occasional legal matters connected with the paper; but a very important action, so far as Egan was concerned, was brought against him by a printer, who, I believe, had been a schoolfellow or fellow-apprentice, and whom he wished to aid in his business by sending customers to him.

Mr. Egan was a very good-natured man, and would indite in his own racy style any "poster," "bill," or "card," for the benefit of anyone applying to him for that purpose, recommending them to the printer aforesaid—expecting, of course, that the charge would be defrayed by those for whom the work was done. Unfortunately for himself, when he sent the "copy" (generally by the parties themselves) he would write "Print 500," or 1000, or any other number, according to circumstances, appending his well-known P.E. This, at the trial, was ruled to be an order for the work, and consequently made him liable for the amount. Some of the parties who obtained his valuable but gratuitous services in writing the bills for their benefits discharged their accounts honourably; but others did not; and the printer, failing to obtain payment from these ungrateful fellows, made a claim upon Mr. Egan for the whole amount, and at last brought an action against him.

Mr. Egan could not see the justice of the demand, and instructed me to defend him. On taking young Richardson with me to Mr. Brougham's chambers, to whom I gave the brief, he was much aston-

ished and pleased with the quickness evinced by the boy; and especially when he found out that for some years Egan and this boy, between them, had conducted and published the newspaper every week.

At the trial young Richardson was a witness, and Mr. James Scarlett (afterwards Lord Abinger), as the opposing counsel, examined him, in the course of which Scarlett told him that orders had been given by Mr. Egan, and that of course his client expected to be paid. Richardson replied that he supposed he did expect to be paid, but not by Mr. Egan. Scarlett then said: "Suppose! you have no business to suppose anything." After a time he put a question to which Richardson, being unable to answer, replied: "I don't know." Scarlett said: "Don't know! Perhaps you can't even suppose?" The boy replied: "I suppose I have no business to suppose anything." At this there was a laugh in court, in which even the Judge joined.

Some time after this, circumstances compelled Mr. Egan to part with his interest in the newspaper. Young Richardson made out a list of the subscribers with such skill that I sold the wrapper alone to Mr. Clements, the proprietor of *Bell's Life in London*, for nearly 400*l.*, who told me afterwards that almost all the subscribers took in his paper.

Some years after the trial with the printer, I called on the publisher of my father's works in Paternoster-row, and our conversation happening to turn on the noise Mr. Egan's paper had made amongst the booksellers, I related what Brougham had said

of young Richardson to Mr. Hamilton, the then respected head of the firm, who immediately said: "Jay, if you can bring him to me, I will employ him." I did so; and he became, and still is, the head of the town department of that large establishment in Paternoster-row, with which he has now been connected some thirty or forty years, besides having obtained an introduction for his two sons, both of whom occupy prominent positions in the house.

I told Brougham of the success of Richardson in after-life, and he appeared delighted.

Lansdowne House, on the south side of Berkeley-square, was where the first Cabinet Council of Lord Grey's administration was held; and here, at the same meeting, it was resolved that Lord Brougham should be Lord Chancellor.

I generally called at Egan's printing-office on the Saturday; nearly opposite which was the famous Beefsteak Club—a society of lawyers and gentlemen, 24 in number, who, in rooms of their own, behind the scenes of the Lyceum Theatre, partook of a five-o'clock dinner of beefsteaks every Saturday from November till the end of June. I have often from Egan's window seen the members going in: Brougham, and Clarkson the father of the late barrister, and Mr. Stevenson a banker who escaped to America with a very large sum of money; but I forget many of the names, it being so long ago. They all appeared to have very good appetites. They scouted the notion of being thought a club, dedicated their hours to "Beef and Liberty," and enjoyed a hearty English dinner

with hearty English appetites. The room they dined in—a little Escurial in itself—was most appropriately fitted up; the doors, wainscoting, and roof of good old English oak, ornamented with gridirons as thick as is Henry VII.'s Chapel with the portcullis of the founder. Everything assumed the shape, or was distinguished by the representation, of their favourite implement, the gridiron. The cook was seen at his office through the bars of a spacious gridiron; and the original gridiron of the society (the survivor of two terrific fires) held a conspicuous position in the centre of the ceiling. Every member had the power of inviting a friend; and pickles were not allowed till after a third helping. The Steaks had its origin in the Beefsteak Society, founded (1735) by John Rich, patentee of Covent-garden Theatre, and George Lampert, the scene-painter.

When Pierce Egan's *Tom and Jerry* appeared for the first time (November 26th, 1821),—Wrench as Tom, and Reeve as Jerry,—the Little Adelphi, as it was then called, became a favourite with the public. Its fortunes varied under different managements. Terry and Yates became (1825) the joint lessees and managers. Terry was backed by Sir Walter Scott and his friend Ballantyne the printer; but Scott in the sequel had to pay for both Ballantyne and himself. Charles Mathews, in conjunction with Yates, leased the theatre, and gave here (1828-31) his series of inimitable "At Homes." Here John Reeve drew large houses, and obtained his reputation.

I was in the court at Bury St. Edmunds, attending the assizes, on one of the hottest days I ever recollect; so great was the heat that nobody remained in court except those whose business compelled them to do so. A poacher was on his trial, and Mr. Justice Williams, of the Queen's Bench, was the Judge; the counsel for the prisoner was the late Mr. Prendergast, Q.C. It was a very interesting case, and the witnesses to character for the accused were exceedingly numerous. The counsel, after calling about fifty, could stand it no longer, through the heat and fatigue, and thus addressed his lordship: "My lord, is it necessary to call any more witnesses?" The Judge, who was evidently angry at the time that had been taken up, and who also severely felt the heat of the court, screamed out in reply: "Why not? You are in good health, and so am I. Go on." And the result was that Mr. Prendergast called every witness to character, much to the annoyance of the Judge and the amusement of the court.

At the same assizes a man was tried for murder, and the same counsel was employed for his defence, who, late on Saturday evening, addressed to the jury an excellent speech. The Judge said to the jury, "I cannot trust myself to sum up after the able speech you have just heard; so you will have to remain until Monday morning, and the sheriff of the county will provide you with beds and food." The foreman of the jury immediately addressed the Judge, and said: "May we not go to church in the morning?" The Judge replied, "Why not take a good walk,

which may do you more good;" and immediately retired from the Bench, without giving any other answer, much to the astonishment of the public who were present on the occasion.

Robert Henry, Lord Northington, is far better known by his personal peculiarities than by his merits as a Chancellor. In the early part of his life he was conspicuous for the warmth of his devotion to "Bacchus, jolly god of wine." His excesses in this way subjected him, in an after-period, to repeated and severe attacks of the gout. When suffering from one of these, he was heard to mutter to himself, while walking from the woolsack to the Bar: "If I had known these legs of mine were meant to carry a Lord Chancellor, I would have taken better care of them when I was a boy." He is said, while at the Bar, to have displayed "lively parts, and a warm temper." Horace Walpole says he was "a lawyer in vogue; but his abilities did not figure in proportion to the impudence of his ill-nature." There is probably some malice and much truth in this character. A ludicrous anecdote is related of him whilst on the western circuit, but which certainly displays him in a more amiable light.

In a trial at Bristol he had to examine a Quaker named Reeve, a merchant of some consequence in that city. As he was a hostile witness, Henley, of course, did not spare his wit or raillery. After the cause was over, and the lawyers were all dining together at the White Hart, Mr. Reeve sent one of the

waiters to let Mr. Henley know that a gentleman wanted to speak to him in an adjoining room. As soon as Mr. Henley had entered the room, Mr. Reeve locked the door, and put the key in his pocket. "Friend Henley," said he, "I cannot call thee, for thou hast used me most scurrilously. Thou mightest think, perhaps, that a Quaker might be insulted with impunity; but I am a man of spirit, and am come to demand, and will have, satisfaction. Here are two swords, here are two pistols; choose thy weapons, or fight me at fisty-cuffs, if thou hadst rather; but fight me thou shalt before we leave this room, or beg my pardon." Mr. Henley pleaded in excuse that it was nothing more than the usual language of the Bar; that what was said in court should not be questioned out of court; that lawyers sometimes advanced things to serve their clients, perhaps beyond the truth, but such speeches died in speaking; that he was so far from intending any insult or injury, as really to have forgotten what he had said, and hoped the other would not remember it; upon his word and honour he never meant to give him the least offence; but if undesignedly he had offended him, he was sorry for it, and was ready to beg his pardon, which was a gentleman's satisfaction. "Well," said Mr. Reeve, "as the affront was public, the reparation must be so too. If thou wilt not fight, but beg my pardon, thou must beg my pardon before the company in the next room." Mr. Henley, with some difficulty and after some delay, submitted to this condition; and thus this fray ended. No farther notice was taken on

either side till, some years after, the Lord Chancellor wrote a letter to Mr. Reeve, informing him that such a ship was come, or coming, into the port of Bristol with a couple of pipes of Madeira on board consigned to him. He therefore begged of Mr. Reeve to pay the freight and the duty, and to cause the wine to be put into a wagon and sent to the Grange, and he would take the first opportunity of defraying all charges, and should think himself infinitely obliged to him. All was done as desired; and the winter following, when Mr. Reeve was in town, he dined at the Chancellor's with several of the nobility and gentry. After dinner the Chancellor related the whole story of his acquaintance with his friend Reeve, and of every particular that had passed between them, with great good-humour and pleasantry, and to the no little diversion of the company.

CHAPTER XXIII.

Hicks's Hall—Charles Mathews elected District-Surveyor for Hackney—Mr. Const, Chairman of Clerkenwell Sessions—Blunderbuss Vaughan—Mr. Pashley—Mr. Creasy—Mr. Bodkin's History—A struggling Barrister—Late success of Barristers—A Theatrical Lessee's difficulties—A Jew Attorney confounded.

CLERKENWELL SESSIONS HOUSE, next in importance to the Old Bailey, was originally Hicks's Hall, which formerly stood in the widest part of St. Johns'-street Without, the so-called Smithfield-bars, near the entrance to St. John's-lane, a knowledge of which the old mile-stones on the great North-road have transmitted to districts remote from this spot; and the Middlesex Sessions were removed hither in 1782. A fine James I. chimney-piece from the old hall is one of the interior decorations of the house, which bears this inscription: "On the erection of the present Session House, Anno Dom. 1782, this antient chimney front (a part of old Hicks Hall) was placed in this room to perpetuate the memory of Sir Baptist Hicks."

Once, when a young man I attended the Middlesex Sessions, Clerkenwell, with two barristers; one of them afterwards became a Judge. It was a very fine May morning. I was delighted with the novelty of the scene and the building. One of my friends said, "I will show you the court and its venerable

chairman, Francis Const, Esq., who (you will be surprised when I tell you) can try a cause quite as well as Lord Ellenborough." I observed that something was going to take place by so many magistrates being present, and I soon learnt that there was an election of a district-surveyor for Hackney. There were many candidates, and among them Mr. Charles Mathews. It was a very pleasing sight to see the venerable chairman leave the bench to give his vote, at a quarter to four, for the poll closed at four o'clock; but something astonished me a great deal more, and that was to see him followed by the sixteen police-magistrates, who, along with the venerable chairman, whom they greatly esteemed and respected, one and all voted for Charles Mathews, which settled the contest, and Charles Mathews was elected district-surveyor. One of the unsuccessful candidates said to me, "He will not hold the appointment a month, for he can make more money in a week than he will by his salary at Hackney." And so it eventually turned out, for he gave up his situation and became an actor, and everybody knows how successful he has been in the profession. I knew his father, the great actor, very well; and it is a singular thing that the first night I came to London I slept at the house of his sister, a Mrs. Leigh.

What an advantage to the public to have such a chairman as Mr. Const!—a man who was respected alike by the country and the magistrates, and not hated by persons presumed to be thieves, because they knew they would have justice done them. His quick-

ness on the bench was remarkable, and many of the accused turned back from pursuing the evil course of life they had adopted through his quickness and common-sense remarks. At this time the chairman was not paid a salary; but jobbing among the magistrates and barristers has now given them a handsome income. The first chairman was Serjeant Adams, of the Midland Circuit; a man who could not claim to be either an advocate or a lawyer. The late Serjeant Vaughan, who went the same circuit, always called him Blunderbuss instead of Adams. He was opposed at the contest by Serjeant Andrews, who would have made a very good chairman; for as a counsel he had an excellent practice at the Old Bailey and the Sessions, having an engagement as counsel for most of the parishes in the metropolis; but he lost his election. Serjeant Adams had no influence as a judge with the Bar; nor could he control them, for he was very often insulted by them. I heard a barrister say once, "I have had very little business at the last sessions; I will attack the chairman." He did so, and briefs multiplied. If a barrister did not get all he wanted, he threatened to report him at the Home Office, which seemed to frighten him more than anything.

For the truth of what I am writing I can vouch. Some prosecution was going on, and an old woman being called as a witness, and giving her evidence extremely well, he addressed the counsel thus: "Can you carry on the prosecution after what we have just heard from this witness?" The barrister immediately

replied, "Why, your lordship is never believing the evidence of that old bitch?" There was a laugh *instanter* all over the court; but the Judge took no notice of the insult, and perhaps he was right. The most remarkable thing, however, about him was, that he could neither scent fraud nor lying. To show that he knew nothing about lying, I may quote the following: He asked a young barrister who had not been called more than a fortnight, how he was getting on at the Bar. "Very well indeed," he replied; "this week I had a brief with fifty guineas at a county court" (a piece of luck which never happened to him or to anybody else at the Sessions). And the serjeant believed it; but it was a sad encouragement to the young counsel, for it was his first degree in the art of lying, and he has been lying ever since. However, Judge Adams gave many dinners to the members of the Bar who practised at the Sessions.

The next chairman of the Sessions was Mr. Pashley, formerly a Fellow of Trinity College, Cambridge, who lived in luxurious chambers in the Temple. I met him in Rome, where he purchased many pictures. He had been tutor in the Radnor family. He got into some practice at the King's Bench. It is said that Lord Denman, Chief-Justice of the King's Bench, had a great dislike to him, for in all his appeal cases he was so long and tedious in his argument that it irritated the Judge. He first went the Western Circuit, and had a quarrel with Mr. Barstow of the same circuit, the best-natured

man at the Bar. All the barristers sided with Mr. Barstow, and Mr. Pashley was obliged to leave the circuit. He then went the Northern Circuit; and Serjeant Wilkins told me the first thing he did on the circuit was to make a motion against an attorney who had advanced money to him to defray his college expenses. At last he got acquainted (from his knowledge of the Poor Laws) with a clerk of the guardians, who advised him to attend the Middlesex Sessions, and got him a number of briefs from other parishes. When he first attended the regular Bar at the Middlesex Sessions, Clerkenwell, the counsel attacked him with the ferocity of a tiger; but nothing daunted, to use poor Abe Lincoln's celebrated motto, he kept pegging away until he became Assistant-Judge of the Quarter Sessions. His deputy, Mr. Creasy, was a shrewd and learned lawyer, who had written many books. He was afterwards promoted to the Chief-Justiceship of Ceylon. He is still alive, and highly respected by everybody in the island.

From the time of the election of Charles Mathews as district-surveyor of Hackney and the chairmanship of Mr. Const, I never attended the Middlesex Sessions; till one morning at breakfast, while reading the *Times* newspaper, I noticed that Mr. Bodkin, the present chairman of the Sessions, was reported to have said that Mr. Jay would not be allowed his costs. I immediately went to the court, and explained that I did not know anything about the case. I told him what I have just written, to which he replied, "The Court will not alter its de-

cision." The case was this: A man whom I employed to serve writs, and who often came to my office, being a broken-down attorney, a well-known barrister's clerk got hold of and induced to come over to the Middlesex Sessions; and, judge of my astonishment, when I went into the treasurer's office, I found thirty or forty cases, for all of which he had received the money, my name being signed to the receipts. This he could undoubtedly have done if he had been my authorised clerk; but I knew nothing about it, and never received any of the money. I prosecuted him afterwards at the Old Bailey, for receiving money from a client of mine, which he never handed over to me.

It is now my duty, as I am writing accounts of the different Judges of the Middlesex Sessions, to give the reader some account of Mr. Bodkin, the chairman.

I was at this time nearly seventy years of age, had known him all my life, and had been an attorney nearly fifty years; yet he directed a penny-a-liner to insert it in the *Times* newspaper. I thought it at the time a waste of unkindness; for he knew well the paper would be circulated all over the world, and to our colonies, of which, as Lord Brougham said, we have so many that on our empire the sun never sets. The title of my book, *What I know, what I have seen, and what I have heard of the Law*, affords me a good opportunity of doing it. I will begin with *what I have heard* told by several barristers. He was an auctioneer, who used to sell iron bedsteads at Islington, and ran

away with a girl from a boarding-school, the daughter of a furrier. And now, *what I know*. I know that he was clerk of the Mendicity Society in Red Lion-square in the year 1824. I have forgotten the particulars of the case to which I am about to allude; but I have got a book before me in which the account runs thus:

Mr. Bodkin (as secretary of the Mendicity Society) brought an action against the editor of the *Times* newspaper for an alleged libel, when Mr. Scarlett contended that it was the duty of a free press to denounce the proceedings of any public body if it deserved reprobation. The jury, after having heard all the arguments, retired at three o'clock. About seven they complained of wanting refreshments, and at twelve they were all completely exhausted. One of the jurymen, having been favoured with a glass of water, requested another; a second wrote a note asking for a cribbage-board and cards; and a third was desirous of sending a message to his wife, stating that he should not be home before the morning. At three o'clock they were nearly all asleep, and at seven, upon knocking at the door, one of them attempted to rush out, exclaiming, "I must go; they are driving me to madness." However, he was not permitted to pass; and at length, after they had been confined twenty-five hours, upon being informed what damages would carry costs, they returned a verdict for the plaintiff, damages thirty shillings.

I know that he was very actively engaged with

Lord John Russell's Reform Bill, and it was he who reported to the committee of Sir John Key that Sir Peter Laurie had said after dinner one day that he would oppose all reform. Sir John Key's committee took advantage of this, and had large posters displayed all over London with "Key and Reform," "Laurie and anti-Reform;" and it was owing to these bills that Sir John Key gained his election, and Sir Peter lost his and his friend Mr. Bodkin.

During the two years of Sir John Key's mayoralty I lived and very often slept at the Mansion House. I sent Mr. Bodkin a ticket for the great Reform dinner; and I saw him in the Egyptian Hall, and he sat very near Mr. Beales, a rich merchant of Cambridge, and who was father of the present barrister, who is Chairman of the Reform Committee, to whom also I had sent a ticket. Many of the after-dinner speeches were very violent, and the chairman of the Quarter Sessions appeared delighted with the dinner and with the speeches.

And now as to *what I know*. He took a house in Mansfield-street, which had been occupied by the late Spring Rice, the first Lord Monteagle. Whenever he went to be reëlected at Cambridge, I always accompanied him. He was Chancellor of the Exchequer and Secretary of the Colonies. My brother-in-law always proposed him. The late Lord Justice Knight Bruce and Mr. Sugden (now Lord St. Leonards) were his opponents on different occasions. It was a very large house, and I often dined with Spring Rice at it, but proportionately dull.

What I have heard. He gave good dinners there, and also at his house in Edinburgh, which he hired for the sole purpose of being entitled to vote for that beautiful city. He invited also several voters from Scotland to meet the Attorney-general, Mr. Campbell.

What I know. He got all the appointments in the gift of the Attorney-general Campbell, viz. the Post-office, the Treasury, and the Mint, and many others. He afterwards squeezed himself into Rochester very cleverly by one vote, and now he is seated as Chairman of the Middlesex Quarter Sessions and Recorder of Dover. I saw him lately; and if Mr. Crabb, my father's friend, whom I knew very well, had passed him in the road from Bradford to Bath, he would have repeated, as he was very apt to do if he saw a remarkable character, a line of one of his own poems. He would have said, looking at the chairman:

> "With Mr. Gardener we the year begin,
> The big fat landlord of the Green Tree inn;
> Big as his butt, and of the self-same use,
> For holding stores of strong fermenting juice."

I should have told Mr. Crabb, however, this did not apply; for I have heard that he drinks very little.

I have done with Mr. Bodkin; and this chapter has caused me great anxiety; but many barristers have advised me to publish it in defence of myself. In the next chapter I shall give an account of Judge Payn. But it is delightful to change the subject, and give a description of a young man, a scion

of a respectable family, who came up to London to prepare himself for the Bar. Here was a case of no jobbing; his means were small, but his wants were limited; and well aware that, if Fortune does not always favour the deserving, she has for the ignorant and dissolute no honours or rewards, he applied himself with zeal and industry to the study of his profession. Nature had blessed him with an acute mind; his perseverance was untiring; and he could boast that pleasure never allured him from the paths of duty. He was in due time admitted to the honours of the wig and gown, and took his seat on the back benches in the Court of King's Bench. His prospects were at first promising: his family connections, the reputation he had acquired for attention and industry during his pupilage, obtained for him earlier than usual a small practice, and what leads to its increase, a good name. Elated by the prospects which appeared opening before him, he married; and he was yet in the prime of life when he was the father of a large family. Unhappily his business did not increase in the same ratio with his necessities, and he soon felt all the difficulties which attend on small supplies and large demands. His physical strength began to fail him; and all the more when he saw his admirable wife, whom he loved with all the ardour of a first affection, devoting herself to the most menial tasks, discharging the humblest offices for him and their children. On her fragile frame care and sorrow made rapid inroads. An attack of illness, aggravated by pecuniary distress, threat-

ened her life; and ultimately she died, falling a victim to her anxieties for her husband and family. Heartbroken, the young lawyer still struggled on for the sake of his children. A few months after the partner of his cares was consigned to the grave he succeeded in some important cause accidentally intrusted to him; business poured in on him; and in a very short time he found himself one of the leaders of the Bar. When a friend congratulated him on his sudden promotion, he exclaimed: "Had it but come a few months sooner!" This is a true story, as many can vouch; the subject of it now occupies a high place amongst our legal functionaries.

Fletcher Norton toiled through the routine of circuits and Westminster Hall for many years without a brief. Mr. Bearcroft, one of the most eminent barristers of the last century, and who died Chief-Justice of Chester, underwent the severest difficulties in his passage to wealth and fame. His industry and perseverance were indomitable. For many years his practice was so limited as hardly to enable him to subsist even with the strictest economy. He sometimes, however, thought of relinquishing the law as a profession; but a just estimate of his own acquirements induced him to continue; and he at last made himself known, and obtained an immense practice and a high reputation. It was a long time before the eminent merits of Mr. Alroyd, afterwards a puisne Judge in the King's Bench, became recognised. Lord Kenyon spoke of him, when in his forty-seventh year, as a rising young man. Sir

William Grant travelled many a circuit before he obtained a single brief; and at last owed to the friendship of a minister what he was entitled to expect from his own merits.

Selden was in the habit of seeking recreation at the theatre. Lord Stowell, too, was fond of dramatic entertainments; he was to the last a regular attendant at the Christmas pantomimes, and avowed a strong predilection for the interesting performances of the itinerant comedians Punch and Judy.* Lady Stowell, we have heard, did not share her husband's taste; she had a particular *penchant* for attending executions, or, as a friend has observed, her ladyship was fond of a *drop*.

A well-known theatrical lessee was some years ago in overwhelming difficulties. One of his judgment creditors insisted upon, and actually sent his attorney for the purpose of, taking the money at the doors of the theatre; or if that were not permitted, then execution was to be levied upon the stage-properties. To prevent that exposure and inconvenience, the lessee offered to give a warrant-of-attorney to the plaintiff, and to execute it immediately after the performance. On that understanding the lawyer withdrew, and at the close of the performance again appeared with the legal document. Though under extreme pressure, and suffering acutely from the rapacity of creditors and hungry attorneys, the lessee-actor himself was an honourable man, and

duly appreciated the courtesy of the attorney in not insisting upon taking the money at the doors, but accepting instead the warrant-of-attorney at a short date. When the solemn document had been duly sealed and signed, the actor chatted freely about his difficulties, and the oppression he had suffered at the hands of certain sharp legal practitioners, particularly naming one who then resided not fifty miles from Quality-court, Chancery-lane. "That fellow," said he, "has persecuted me to death for discount and costs. I have paid him no end of money; and yet a few weeks ago the hungry devil put an execution in here, and almost ruined me. Now, would you believe it? notwithstanding that villanous act, the fellow had the impudence to appear the other night in the front row of my dress-circle, dressed to death, and as large as life. There he sat, in the very centre of the house. I twigged him, and read him a lesson he will never forget. I was playing that evening, you must know, the character of King Adrastus. An embassy from a neighbouring state were introduced as I was sitting upon the throne. They presented me a missive from their sovereign. As I took it from them, I fixed my eyes upon the Jew attorney, and then rushed from the throne to the footlights. I hastily unfurled the roll. 'What!' I said, 'this a despatch from your sovereign master? Why, it's a letter from that fellow J——, of Quality-court!' And crumpling and crunching up the document, I threw it with a contemptuous sneer into the pit. The incident in-

stantly aroused the sympathies of the house, who caught the allusion, and interpreted it truly. Every eye was fixed on the attorney, and amid roars of laughter and a great deal of jeering, he hastily retired from the theatre. Never," said the actor, his eyes sparkling with joy, — "never will that fellow venture into this house again."

He never did. A few weeks afterwards he ceased to live, and one of the Jewish burial-grounds of London now holds his remains.

CHAPTER XXIV.

Discounting Attorneys and Actors—The Old Bailey and its Officers —A cause tried before Chief-Baron Pollock—Judge Payne and the Middlesex Sessions—Mr. Justice Dallas.

In the last chapter I have given an account of the treatment of actors by discounting attorneys. Actors receive their money weekly, and of course always spend it, often by way of anticipation, except in a few instances, where some of them have made and saved fortunes. The consequence is, when an actor wants a bill cashed for 20*l.* or 30*l.* he goes immediately to a discounting attorney, and requests him to entertain the transaction; at the same time, by way of additional inducement, giving him almost any amount of orders for the theatre. The bill becomes due; and of course the actor, who has spent his weekly salary, cannot pay it. He goes straightway to the attorney, and implores him, after the liberal sum he gave for discount, not to punish him with costs. The attorney replies: "I will do all I possibly can. I have not got the bill"—pretending meanwhile to look over several books; and at last says: "I know who has got it. I will give you a note to ask him to hold it over for a month; but you must give me a sovereign for writing this letter and the trouble I have had; and my letter will, I have no doubt, cause the holder, who I find is an attorney,

not to interfere." The actor pays the sovereign with delight and thankfulness, with blessings for the kindness exhibited by the attorney who gives him the letter to the holder of the bill. The actor hurries off to the holder of the bill, and delivers the letter—little imagining that they are both discounting attorneys, who play into each other's hands; and that the one holding the bill knows well the meaning of the letter, which is a hint that the action is to go on, and judgment to be obtained against the unfortunate actor, although he has paid the sovereign. Of course in the end he takes the benefit of the Act.

I knew a noted actor, who once required similar accommodation. The usual discount was demanded; for, like the Medes and Persians, these practitioners never alter their laws. He also paid the sovereign as a consideration for payment not being enforced for a month, and got the letter to the confederate discounting attorney. It so happened that the actor thought he saw something hazy about the countenance of the writer of the letter; and when on his road to deliver it, he found, on examination, that the wafer was not quite dry; and, being a shrewd man as well as an actor, the thought struck him that he might as well open it. He did so, and to his astonishment read the following unexpected contents:

"DEAR SIR,—The bearer is a little shuffling humbug, and wants time to pay the bill. Go on with it as fast as you can. Show him no quarter.

"*Yours severely,*

"C. D."

Of course the letter was never delivered; but he got the money from some friends and paid the bill. He is now a rich man, and has left the stage. One of the principal of these discounting attorneys died not long since; and it was melancholy to find a brother of the deceased exhibiting a letter received by their father from a surviving confederate attorney to the effect following, as I was informed by one of his victims, who was shown the letter in Hyde Park; videlicet:

"MY DEAR AND AFFLICTED FRIEND,—The same God that has taken away your dear son can give you comfort under your loss."

The victim further told me that when the fact of his death became known in Whitecross-street Prison, he was burnt in effigy with shouts of acclamation.

Newgate, in the Old Bailey, is a prison appertaining to the City of London and county of Middlesex, formerly for felons and debtors—since 1815 (when Whitecross-street Prison was built) for felons only—and is now used as the gaol for the confinement of prisoners from the metropolitan counties, preparatory to their trial at the Central Criminal Court in the Old Bailey. It is the oldest prison in London, was so called because it was the tower of a gate of the same name, and has given its name as a common name for all prisons, as Bridewell has done for houses of correction, and Bedlam for houses in which lunatics are confined. The present edifice was designed by George Dance, the architect of the

Mansion House, and the first stone laid by Alderman Beckford, 1770. The works advanced but slowly; for in 1780, when the old prison was burnt to the ground in the Lord George Gordon riots of that year, the new prison was only in part completed. More rapid progress was made in consequence of this event; and on December 9th, 1783, the first execution took place before its walls. This was the first execution at Newgate, the last at Tyburn occurring on the 7th of the preceding month. The solitary or separate system is not in use in Newgate, and cannot, it is said, be introduced without a complete alteration of the design and structure of the prison. The prison, it appears, does not afford proper accommodation for more than four hundred prisoners. Here, in the prison he had emptied and set in flames, Lord George Gordon, the leader of the riots of 1780, died (1793) of the gaol distemper; and in front of this prison Bellingham was executed (1812) for the murder of Mr. Perceval, the prime-minister. Admission to inspect the interior is granted by the Secretary of State for the Home Department, the Lord Mayor, and Sheriffs. Observe, opposite this prison, No. 68 Old Bailey, the residence of Jonathan Wild, the famous thief and thief-taker. Immediately behind his house is a good specimen of the old wall of London.

The present Recorder, Mr. Russell Gurney, M.P., is, perhaps, one of the most able and patient Judges on the Bench; and it is a great loss to the public that he has not yet been made one of the Judges in West-

minster Hall. At the time of his election as Recorder a good deal of flunkeyism was exhibited by different members of the Court, who would rather have had the son of a nobleman than Mr. Russell Gurney; but fortunately his learning and character were successful in defeating all their plots.

Mr. Thomas Chambers, the Common-Serjeant, and M.P. for Marylebone, has worked very hard and does his business very well. He is well liked by the Bar and by the attorneys, there being a sincerity about him which is refreshing in these days. Mr. Kerr, the Commissioner, whom I knew when he was a pupil of Mr. Wylde of Serjeants'-Inn, is a very independent Judge, and has got into some scrape in consequence with the Corporation, what about I know not. The Chief Clerk at the Central Criminal Court, Old Bailey, is Mr. Avery; and as this officer is nominated by the Lord Mayor, subject to the approbation of the Judges, we are sure that none but a highly respectable man can succeed in obtaining the situation. Mr. Reed, Deputy Clerk of the Central Criminal Court, and Clerk of the Peace for the City of London, ranks next to Mr. Avery; he is very much liked by everybody brought in contact with him, and is one of the kindest and most intelligent officers at the Central Criminal Court. He has three sons with appointments at the Old Bailey, very gentlemanly and well-behaved young men, who are following the footsteps of their father. Next is Mr. Round, who tries to please everybody, but can hardly succeed. He does his duty well; and a very impor-

tant situation he holds—he makes out the lists for the several Courts. Mr. Tickell, whom I ought to have mentioned before, is quite a gentleman, and conducts his business very much like Mr. Clark, the former Clerk of the Arraigns. Mr. Low, Clerk of the Indictments of the Northern Circuit, is very quick and clever. In fact, the criminal ship at the Old Bailey is well manned, and I heard a first-rate barrister who came there on a special retainer state that the business was better conducted than that of any sessions in England; and he knew well, for he had been at the sessions on the Northern Circuit in the early part of his life as a junior barrister; and I think his father was clerk of the arraigns of some circuit.

Mr. Avery and Mr. Reed have to give briefs for the prosecution to barristers who attend the Court, which are called "soup;" but it must be a very unpleasant part of their duty for these two gentlemen, who are followed from court to court by eager applicants, who often attempt jocular conversation with them, in the hope that they may secure briefs.

I frequently dined at the London Coffee House with Charles Phillips, Mr. Alley, and Mr. Shelton, who was a very remarkable man, and of hasty temper. I have often heard him say to attorneys when struggling to get their bills taxed (for they used to be taxed at that time by himself): "D—n your bills! —throw them on one side!"

Mr. Shelton was not a man eager for money, as he left several thousand pounds of bills due to him, which it was discovered after his death were statute-

run, besides a fortune to his nephew who succeeded him, and who was well suited to be his successor, being a match for all the Bar. If they tried to cajole him in any way, it was no use, and if they tried to bully him, it was equally unavailing—he never suffered the even tenor of his way to be disturbed. I let him a house at Denmark-hill, which belonged to the late Sir John Key. I greatly regretted his death. He was very kind to me, and was a man who would be respected in any age.

I must not forget to mention the governor of Newgate, Mr. Jonas, who by his tact and discretion is fortunate enough to give satisfaction to the Court of Aldermen, and even to prisoners, both of which are very difficult tasks to perform. He has been in office a great many years, and I think is not half paid, considering the important and very responsible nature of the situation he holds. The aldermen always used to fancy a tall stout man should be elected as governor, and unless some mighty influence was used this was generally the case; but they now find that Mr. Jonas, who, though he does not resemble a prize-fighter, but is a gentleman of middle stature and harmless appearance, nevertheless performs the duties of his office so as to give general satisfaction. It is therefore to be hoped that height and build will not carry the day in the election of future governors, though it may be feared that the more dangerous element of jobbing will, as in all City contests is too often the case, to the exclusion of real worth and talent.

I have not alluded to the Clerk of the Arraigns, Mr. Straight, who succeeded Mr. Clark. I understand he was a very respectable man, and much liked. He left a son, who is at the Bar and doing well; he is good-looking, and very clever. The loss of his father must have been a mighty catastrophe to him; but he has good spirits, and is sure to get on.

Some years since, I was the plaintiff in a cause where the defendant was an attorney; it was tried at Aylesbury, before the late Chief-Baron Pollock. I retained a Q.C. as counsel; my opponents a Serjeant. The trial lasted a considerable time, and I was the principal witness, and was asked several impudent questions; and something turned upon a book I had written just at that time, *The Recollections of William Jay and his Contemporaries.* In reply to one of them I stated that I was the son of a Dissenting minister of the name of Jay, of Bath; and immediately Pollock addressed the Bar, saying, "I knew him well, and have heard him preach six or seven times; a capital preacher he was." The trial proceeded; and the attorney-defendant kept annoying and tormenting his counsel, thrusting upon him information which had nothing to do with the issue being tried. I was sitting next my counsel, and he turned round to me and said, "I will pitch into the defendant, and give him such a dressing as he has never had before." My counsel, after having witnessed the attorney and the serjeant constantly

speaking to each other, got up to reply, and began his speech thus:

"When I was a boy learning writing, the copy set me frequently was, 'Evil communications corrupt good manners.' I never could learn where it was to be found, or who composed it."

The Judge immediately interrupted him, and said, "It is in the 15th chapter of St. Paul's first Epistle to the Corinthians." He then explained the dictum, as nearly as I can recollect, in the following words, to the Court and Bar:

"This passage is taken from a heathen poet, Menander, which fact shows that Paul was not unacquainted with the literature of the pagan world; and that, in consequence, this apostle was peculiarly fitted for some parts of his work, he being destined to proclaim the name of Christ before princes, magistrates, and philosophers, especially in the Roman and Grecian parts of the earth."

The whole Court was convulsed with laughter at the ignorance displayed by my counsel; and though the attorney-defendant escaped his dressing, I gained the verdict. The above quotation is referred to in a sermon upon the subject by Robert Hall, the great preacher. This sermon was taken down by the late Baron Gurney, one of the Barons of the Exchequer. He states therein that this maxim accords with universal experience, and was well worthy therefore of being adopted as a portion of those records of eternal truth which are to be the guide of mankind in all succeeding ages.

The position in which we find it adduced by the Apostle is not that in which we should have expected such a maxim to be inserted, being in the midst of a very affecting view of the resurrection of the dead, and the life everlasting. But the occasion of it the preacher states was this: "The Corinthians had received, from the intrusion of false teachers, principles which militated against that great doctrine. They had been taught to explain it away, and to resolve it merely into a moral process which takes place in the present world, interpreting what is said of the resurrection of the dead in a mystical and figurative manner. The apostle therefore insinuates that it was through the corrupt communications of these men with the members of the Christian Church, and the intimate contact with them into which the latter had permitted themselves to be betrayed, that they had been led astray from the fundamental doctrine of the Gospel, and rejected a primary and all-important part of the apostolic testimony. Hence the appropriate application of the heathen writer's declaration: 'Evil communications corrupt good manners.'"

I am now going to give some particulars respecting Mr. Judge Payne, as he is called, who acts as deputy to Mr. Bodkin, Assistant Judge at the Middlesex Sessions, by whose influence he obtained the promotion when practising as a barrister at the Old Bailey and the Sessions; he gained some business there through his City connection, and did it very well. I am not certain whether, next to Phillips (considering the limited number of his briefs), he

did not get off more prisoners than any other barrister practising at the Old Bailey. He was very eccentric and plausible, but always did his duty. I was on one occasion sitting next to him during the Guildhall Sessions, when he behaved very rudely to the Honourable Mr. Law, at that time Recorder for the City of London, who in consequence fined him a guinea. Mr. Payne immediately threw the amount on the table, and appeared extremely angry. However, before the Court broke up, the Recorder ordered the court-keeper to return the guinea. His proper Christian name is Joseph; but at the Old Bailey, to his great annoyance, he was always styled "Tom Payne," after the infidel writer, of whom he had a great horror, being always considered, and I believe with justice, to be a very religious man. A clergyman named Wilde, who preached in one of the churches in the neighbourhood of his residence, wrote a letter to him respecting some charity, and in ignorance directed it to him by the above-mentioned cognomen of "Tom Payne, Esq., Temple." The deputy judge answered it immediately, and directed his reply to the Reverend Jonathan Wild; which, though he might consider it "tit for tat," was only another instance of his temper. I have known him a number of years; he was a great admirer of my father, and was generally present whenever he preached in London. Notwithstanding certain peculiarities, I believe him to be a very worthy man; and, much to his credit, he spends a great part of his time in attending shoe-black and other charitable meetings, as

well as ragged-schools. He also writes poetry, which he reads to the boys, and follows Lord Shaftesbury with emulation, treading in his footsteps everywhere. When he obtained his appointment he gave up the Bar, and was paid so much per day as long as the sessions lasted; though I believe he was to receive a certain sum in any event. The Bar immediately called him the Charwoman of the Sessions; but by taking down all the evidence *in extenso*, and prolonging the trials, it turned out a very good thing, especially as, through being very particular in dotting his *i*'s and crossing his *t*'s, he gained another day or two, and also another five guineas.

I was surprised at the Sessions of the Old Bailey lately, when all the barristers (and I know them all) agreed in saying that he was the most cruel Judge on the Bench. I was utterly astounded, and am not certain that I should have written this of him; but I could not resist the evidence of so many witnesses to the fact; which is somewhat confirmed, if it be true that, as I have heard, he resides in a lodge belonging to Mr. Bodkin, and has left off his white cravat, and wears a black one, so that he shall not be known in the streets, and become subject to remark or insult. With respect to the sessions, I may as well mention that Mr. Bodkin, the assistant-judge, never sits on Thursday, in order that he may attend as a director at different offices; so that the business of the county has to stand still to enable this gentleman to pocket his guinea fees.

As the Reform Bill is now settled, it will be well

for Parliament to interpose, and prevent these sort of jobs. It is monstrous that a Judge (who is paid a regular salary) should not scruple to adjourn the Court in the middle of the week for no other reason but merely to suit his own purposes; and that the other Judge of the same Court should, by taking down all the evidence, prolong the sittings of the Court, and thus put more money in his own pocket.

Barristers, attorneys, prosecutors, witnesses, prisoners, and sisters of the prisoners, like to have a first-rate Judge on the bench, a man of sound learning and attainments, who has had a college education, and superadds to all that the feelings and manners of a gentleman. Lord Chief-Justice Cockburn and Mr. Justice Blackburn observed in court that nothing is more to be regretted than unfit appointments—alluding to those made by the Aldermen and Common Councilmen of the City of London. It was on the occasion of one of the chief officers moving for a *mandamus*, the Court having dismissed him.

Mr. (afterwards Sir) R. Dallas, who was junior counsel for Warren Hastings, is reported to have said in one of his speeches: "Now we are advancing from the starlight of circumstantial evidence to the daylight of discovery; the sun of certainty has melted the darkness, and we have arrived at the facts admitted by both parties."

"When I cannot talk sense, I talk metaphor," said Curran very shrewdly.

I knew Chief-Justice Dallas well; he lived in Bloomsbury-square, and I saw him walking in the enclosure a day or two before he died. He was a very eccentric-looking man, but extremely clever. One of his peculiarities was the wearing of a large necktie, and on his head a little curly wig, that looked more like a blackbird's nest than a Judge's wig; added to which he always wore a wretched hat.

A Judge and a counsel on one occasion had a warm discussion as to some point which the Judge claimed to decide, in the following style: said the Judge, "I ruled so and so." "You ruled!" growled the Attorney-general, "you ruled! You were never fit to rule anything but a copy-book."

It was declared in the House of Commons by Mr. (now Justice) Williams, well known to have had considerable practice in the Common Law Courts, that there were not more than six persons practising in them who could be considered as acquainted with the law of real property; and it was at one time asserted that there was none practising at the bar of the Court of Chancery who had this knowledge with the exception of Sir Edward Sugden.

CHAPTER XXV.

Mr. Adolphus and Mr. Ally—Eliza Fenning and Roger Gadsden—Curran and Charles Phillips—Serjeant Taddy and Mr. Justice Parke—The Bristol Riots—Obtaining bail for a murderer.

THE late Mr. Ally was always most painstaking, concise, and even elaborate in his cross-examinations; if that did not succeed, he blamed the government for passing such double-worded, double-meaning acts of parliament. He was truly animated too, and kept the Court on the tip-toe of excitement. Mr. Adolphus, on the contrary, was always irritable, and gave one the idea that he was imitating Mr. Ally. Finding, on a trial at the Old Bailey, that the Judge and the jury likewise complained that the government ought not to pass such acts of parliament, he told the jury that they had recently passed an act of parliament to close the public-houses at one o'clock. He then, in a clever but impudent way, subjoined the following myth: "I am subject to fits, and have been ordered by my physician to apply leeches; but they never will take hold without porter; and, you must know, not being able to get any, as all the public-houses were closed, has nearly been the cause of my death, for the leeches resolutely refused to bite."

At last Mr. Ally and Mr. Adolphus, both passionate to the highest degree, had a violent quarrel;

and Mr. Ally, who was a gentleman and an Irishman by birth, sent him a challenge to fight a duel at Boulogne. Mr. Ally's second was a well-known man in the army, and a gentleman; while Mr. Adolphus's second, on the other hand, was a duffer. On arriving at Boulogne, they adjourned to a sand-pit to fight the duel; Mr. Ally's second placing Mr. Adolphus at the back of the sand-pit, with the sun glaring full in his face, whilst Mr. Ally was in the shade. The word "Fire!" was given, and the two pistols went off simultaneously. Mr. Ally was shot through the shoulder, and never recovered; but Mr. Adolphus returned to England in higher spirits and imbued with greater insolence and audacity than before.

A gentleman, on one occasion, going through a churchyard in Surrey, saw some poor people weeping over a grave, and asked one of the women why they wept. "O, sir," replied she, "we have lost our precious lawyer, Justice Randall; he kept us all in peace, and always was so good as to keep us from going to law. He was the best man that ever lived." "Well," said the gentleman, "I will send you an epitaph to write upon his tombstone;" which was—

> "God works wonders now and then:
> Here lies a lawyer an honest man."

The old story of Eliza Fenning is an instance of the danger of condemning to death on circumstantial evidence alone. I will briefly allude to a circumstance in connection with this, which happened to me soon after the trial. I was fishing one day in

the river Avon, when a very handsome lad came up and addressed me thus: "I heard your father preach at Argyle Chapel on Sunday morning." His name was Gadsden; whereupon we fished together, had very good sport, and arranged to meet the next day. Before he left me that day he told me he had been ordered to Bath to take the waters, for that he had been all but poisoned. To my astonishment he never made his appearance the next day at the rendezvous for our fishing excursion. The day after I called at his lodgings and saw him, and he told me that he had received a letter from Lord Eldon, desiring him to come to London immediately, and enclosing him a very handsome sum for his expenses. If I recollect right, it turned upon the evidence as to what took place in the kitchen in Chancery-lane where the poisoning occurred. One of the circumstances was this: At two o'clock the beef-steak pie was sent for; it returned from the bakehouse savoury and hot, and Gadsden came down hungry, having been writing deeds all the morning. Another was that Gadsden handed the dishes, and drank the girls' healths in small beer, with the gallantry of the young law-stationer in good society. He was again sent for by Lord Eldon to Bedford-square; and I think he went five times. I went with him the last time, for he had plenty of money, and paid my expenses. Lord Eldon did not detain him long, and I waited in the hall. I have mentioned this to show what pains old Lord Eldon took in the case.

Gadsden left Turner's, the law-stationer's in Chan-

cery-lane, got articled to an attorney, was admitted, and afterwards married a lady of very good property. He got into an excellent business in Furnival's-Inn, the firm being Gadsden and Flower. They afterwards took a house in Bedford-row, the whole of which was occupied as offices. He had a house also at Hendon, and afterwards one at Kilburn, where he died. I always promised him never to mention that he was the same law-stationer's apprentice of the celebrated Fenning trial.

Gadsden was appointed by the government to receive for Mrs. Liston a pension of three hundred pounds a year, after the death of her husband, the well-known surgeon of the London University Hospital.

A public funeral, at once an assertion of innocence and an appeal to popular sympathy, was resolved on. The condemned was buried on the 31st of July, at St. George's the Martyr. There were ten thousand persons in the churchyard, as the coffin—inscribed "Eliza Fenning: died July 26th, aged 22 years"—was lowered into the grave.

Curran, the great Irish orator and Master of the Rolls, used to declaim glowingly on the unhappy fate of Eliza Fenning. Hone, the ardent politician, and author of the *Everyday Book*, published an authentic report of her trial, as a contrast to the garbled summary put forth in the Old Bailey Sessions Paper, with curious letters from the prisoner herself; and in our time Mr. Charles Phillips wrote a brilliant rhapsody on the fate of one so young, so fair, so innocent, cut down in early morn, with all life's brightness only

in its dawn. "Little," says this writer, "did it profit thee that a city mourned over thy early grave, and that the most eloquent of men—Curran, a fellow-countryman—did justice to thy memory."

I am not going to describe at any length the riots at Bristol in 1831, when it fell to the lot of Sir Charles Weatherall to open the assizes there, as it is well known what took place at that time. Alderman Thompson, who had been Member for the City of London and Westmoreland, and with whom I was much associated during the mayoralty of Sir John Key, at the Mansion House, had of course, as had most others, heard of the riots; and having to visit some iron-works in Wales, he asked me to accompany him to Bristol. I did so, for I had a client, an attorney, in that city, who then owed me a good deal of money, which I was anxious to secure. We arrived at Bristol late at night, and in the morning saw the damage which had been done to that fine old city. We found that the work of destruction had been carried on in a most systematic manner. The burning had been effected by gangs of men, each of which had its allotted work. A man from Bath led one party, and gave the signals with a noisy watchman's rattle; the leader of another carried a large bell. The first division that entered broke no glass or furniture, but only ransacked the houses for money, plate, and valuables. The next division moved the furniture roughly into the centre of the nearest square. A third band (generally Irish)

carried off or threw out the furniture, to remove into their own hiding-places in the low parts of the city; while the fourth, some of whom were firemen, accompanied by boys with torches, smeared an ignitable paste on the walls, nailed linen steeped in oil on the shutters and woodwork, and lit the curtains, whilst others threw balls of some combustible composition through the windows, and laid trains, and poured turpentine on the floors or from door to door.

To show the antipathy of the people to a Tory Church, which they were taught to believe was overpaid and underworked, the bishop's palace and the cathedral had been attacked. The mob moved towards the college green in three divisions, beating time on the paving-stones with crowbars. Davis, their spokesman, stood near the deanery, abusing the bishops, and saying it was a shame a bishop should have 40,000*l.* a-year while so many were poor and starving. The doors of the palace-yard having been torn off, the mob rushed through the cloisters to the palace-door, forced it with crowbars, shouting angrily, "The king, and no bishops!" It is quite certain that not less than five hundred rioters perished in these disgraceful scenes, either by the fire, intoxication, or the swords of the dragoons. Only a hundred wounded men came to the infirmary; as these were all known felons, hundreds of other wounded men must probably have obtained and paid for secret aid. The riot prisoners were tried January 2d, 1832, before Lord Chief-Justice Tyndall. Three thousand five hundred soldiers were ready in the town. Of one hundred

and two prisoners, eighty-one were convicted, five hung, many transported, and the rest imprisoned with hard labour. Davis, who abused the bishops as I have mentioned, was a man of property. He had about six hundred a-year; having money, he escaped the police, and no traces of his whereabouts could be found. Large rewards were offered without effect. At last the government, on the recommendation of several clever men in Bristol, singularly enough, employed my client, the Bristol attorney; he accepted the retainer, and took a police-constable with him into the county of Dorset, where he had heard that Davis had some relations. My client was a great sportsman, and a very good shot; he could discover the nest of a partridge, or any bird, by looking only at the grass that surrounded it. He, in company with the constable, posted to the proposed scene of action, and stopped at the corner of the lane leading to the farmhouse where he expected to find the delinquent. He desired the constable to remain in the chaise, and walked quietly down the lane: on arriving there he knocked at the farmhouse door, and at once entered. The farmer and his wife had no children, and they were drinking gin-and-water. My client at once noticed that there were three glasses on the table, though only two persons were present. He immediately left the room, and instructed the constable to leave the post-chaise, and remain near the house. He then quietly, under pretence of seeing the premises, walked into the farmyard, and looked at one or two of the barns;

and in a very old one he discovered the marks of recent footsteps. Without delay he ascended the ladder leading to the upper loft with a pistol in his hand, and called out, "Davis, you are my prisoner!" Davis, who was lying on one of the rafters, fell on the old ceiling, which gave way, and he fell through to the next floor, covered with dust and dirt, and was captured and secured. After he had cleaned himself, he was put into the post-chaise, which reached Bristol in time for a true bill to be found against him.

He was tried, found guilty, and hanged the same week. Mr. Denman, the Attorney-general at that time, was the counsel for the prosecution. Davis was a very weak man, and if he had not been possessed of money he never would have connected himself with the Bristol riots.

I may as well now state what was the result of his prowess to the Jonathan Wild attorney who abandoned his legitimate occupation to discover and arrest the traitor. Of course he was afterwards obliged to walk about with pistols in his pocket, to say nothing of losing his business. Unfortunately, also, he formed a connection with some woman in Bristol, who became with child by him. He was a married man, which did not improve the position of the matter; and he was compelled to send her to Bath, where he took lodgings at a chemist's in a small way of business and in a very low street. She was confined, and he called nearly every day to see her. At last the child died, and it was suspected

by means of poison. The affair excited a great sensation; and Mr. Herapath, the celebrated chemist, proved that the stomach undoubtedly contained, though to a very small extent, arsenic; and that it must have got there by means of a feeding-bottle which the mother used, and the shop being continually in a state of muddle and confusion might account for it. Of course a coroner's inquest was immediately held, and after the evidence both parties were found guilty of wilful murder, and sent to the gaol for the city of Bath. All my information as to it was gained from the public papers, and from a clerk in a large firm there who were employed to get him bailed out. They consulted a King's Counsel, Mr. Phinn, of the Western Circuit, who is lately dead, and he said it was impossible.

At last I thought I would write to him in Bath gaol, and tell him what I had heard Mr. Prendergast the Queen's Counsel say, viz. that, under the circumstances, he could be bailed out of prison from the absence of actual evidence of any value in the case; and to my astonishment, whilst in bed at my house in Serjeant's-Inn the day after, I was called up to see a gentleman from Bath, who requested me at once to interfere on behalf of the male prisoner, at the same time handing me money to pay counsel, &c. He gave me also a copy of the depositions, and I made a short brief, endorsing it "Ten guineas fee." Mr. Prendergast and myself went down as soon as possible to the Chief-Baron's house, near Feltham. On arriving there we were shown into the Chief-Baron's

room, and he appeared delighted to see old Prendergast, whom he had known a very long time, and whom he knew to be a scholar and a gentleman. His lordship said to him, "What can I do for you?" Prendergast replied, "I came to make an application to obtain bail in a case of murder." The Chief-Baron immediately said, "It is the easiest thing to do if there is no substantial evidence; the crime being so great and ruinous to the prisoner." Mr. Prendergast had a book with him, reporting a dictum in a similar case, with which the Chief-Baron was well acquainted. He read the depositions, and having finished them said, "I shall allow him to be bailed." I forget what the amount of the bail was, but it was to no great extent. The conversation afterwards turned upon the act of parliament, at that time just coming into force, to enable plaintiffs and defendants to give evidence in their own case. The Chief-Baron said, "We must have some machine to punish perjury." I thought it a very foolish observation, for no person knows really anything about matters in question between the parties to the cause, except the plaintiffs and defendants, generally speaking.

I told Prendergast, when on our return in the train, what I thought as to the act; he quite agreed with me, and it has in fact turned out to be the best act of parliament ever passed, for instead of increasing, it has prevented a great deal of perjury. The two prisoners were both tried at the Somerset assizes before Mr. Justice Erle, and were acquitted. The trial lasted the whole day. Soon after my client

was acquitted, he called and thanked me for being instrumental in getting him bailed out, instead of being compelled to lie in prison for six weeks, and expressed a wish to be introduced to Mr. Prendergast. I was simple enough to take him at his word; and when the time arrived, I said, "Here is the gentleman you got the bail for, and he has come to thank you." Prendergast, looking angry and disgusted, immediately turned his back on him, not even condescending to shake hands with him or notice him in any way, to his surprise and discomfiture; and the result was, unfortunately for me, that he returned to Bristol, took the benefit of the act, and, notwithstanding all the trouble and anxiety I had had about the matter, I ultimately lost all my money.

The jury, who were at the coroner's inquest, and who had a dislike to the man through whom their townsman Davis was captured and hanged, believed everything against him, even to the evidence of a little rural halfpenny servant, who swore that as she was coming downstairs she heard the male prisoner say to the woman, "Shall I do it, or will you?" The sapient jury thought it was most important, though in fact it had nothing at all to do with the case; it was merely an inquiry to the effect, "Shall I pay the lodgings, or will you do it?"

A watchmaker, having a cause pending before Lord Keeper Wright, sent him a handsome clock a few days before it came on to be heard. Sir Nathan returned the timepiece, with the observation: "I

have no doubt of the goodness of the piece, but *it has one motion in it too much for me.*"

It has been related of Mr. Justice Lawrence, a most excellent man and able judge, that at a trial at York he summed up decidedly in favour of the defendant; but having given the case further consideration, it appeared to him that he had altogether mistaken the law. A verdict having been recorded for the plaintiff, he had no redress; but it was generally understood that the Judge, feeling the hardship of his situation, left him in his will a sum of money sufficient to indemnify him for the loss he had thus sustained.

During my long experience in courts of justice I have seen some tremendous outbursts of anger and quarrelling between Best, Vaughan, Wylde, and many of inferior ability; and I think the following fracas is probably new to many of my readers. It occurred in the Court of Common Pleas, on the trial of Thurtell *v.* Beames. Mr. Serjeant Taddy was examining a witness, and asked him a question respecting some event that had happened after the plaintiff had disappeared from the neighbourhood. The late Mr. Justice Parke interposing observed: "That's a very improper question, and ought not to have been asked." "That is an imputation," replied the Serjeant, "to which I will not submit. I am incapable of putting an improper question to a witness." "What imputation, sir?" inquired the Judge an-

grily. "I desire that you will not charge me with casting imputations. I say that the question was not properly put; for the expression 'disappear' means to leave clandestinely." "I say," retorted Serjeant Taddy, "that it means no such thing." "I hope," rejoined the Judge, "that I have some understanding left; and as far as that goes the word certainly bears that interpretation, and therefore was improper." "I will never submit to a rebuke of this kind." "That is a very improper manner for a counsel to address the Court in." "And that is a very improper manner for a Judge to address a counsel in." The Judge rose, and said with great warmth, "I protest, sir, you will compel me to do what is disagreeable to me." "Do what you like, my lord." "Well," said Mr. Justice Parke, resuming his seat, "I hope I shall manifest the indulgence of a Christian Judge." "You may exercise your indulgence or your power in any way your lordship's discretion may suggest; it is a matter of perfect indifference to me." "I have the functions of a Judge to discharge, and in doing so I must not be reproved in this sort of way." "And I," replied the undaunted Serjeant, "have a duty to discharge as counsel, which I shall discharge as I think proper, without submitting to a rebuke from any quarter." Anxious to terminate this dispute, in which the dignity of the Court was compromised, Mr. Serjeant Lens rose to interfere. "No, brother Lens," exclaimed Mr. Serjeant Taddy; "I must protest against any interference." Serjeant Lens, however, was not to be deterred from effecting his intention,

and addressing the Bench, said: "My brother Taddy, my lord, has been betrayed into some warmth"—here he was stopped by Serjeant Taddy seizing him, and pulling him back into his place. "I again," he exclaimed, "protest against any interference on my account. I am quite prepared to answer for my own conduct." "My brother Lens, sir," said Judge Parke, "has a right to be heard." "Not on my account; I am fully capable of answering for myself." "Has he not a right to possess the Court on any subject he pleases?" "Not while I am in possession of it," retorted the undaunted advocate, "and am examining a witness." Mr. Justice Parke then, seeing evidently that the altercation could not be advisably prolonged, threw himself back into his chair, and was silent.

CHAPTER XXVI.

A Wine-party at the Temple—An Attorney in Whitecross-street—Discovery of an Anonymous Letter by an Attorney—Old Bailey Three-o'clock Dinners—Barristers taking briefs for Public-house Licenses—The late Mr. Justice Bailey—A Master in Chancery—Lord Eldon's reply.

I REMEMBER being invited to a wine-party in the Temple, and I think I was the only attorney present. Many of the barristers I recognised as Old-Bailey practitioners. We enjoyed ourselves and had a great deal of fun. After a time, I observed the wine was beginning to tell on some of them, and two or three of the party, under its influence, asked me which was the best way to obtain briefs at the Central Criminal Court. I said, "To an imaginative mind many ways might suggest themselves. For instance, if you are at the sea-side during the interval between two sessions, send up a barrel of bloaters to an attorney who has a large family; or, if he is doing a great business, take one of his sons for a trip up the Rhine and pay all his expenses. Another plan is, if you want a clerk, take care to engage a son of one of the prison-wardens. The father will be sure to recommend you to prosecutors or to prisoners. But, after all, a sharp, intelligent clerk is the best card—a sort of retriever, who will find his

way into every public-house, thrust himself among any little group of people where there appears the slightest chance of business, and will be sure to return to his employer bringing a brief in his mouth and clutching the fee in his hand."

The wine not having told so much upon me, and the joking being at an end, as we were separating, I said, with reference to the complaints of barristers: "So long as art and artifice are as busy as they are in your doings, to you may be given the advice Sterne is said to have addressed to women: 'Be open, be honest, give yourselves out for what you are, conceal nothing, varnish nothing; and if you do not succeed with these weapons, defeat is preferable to conquest obtained by unworthy means.'"

I recollect a very gentlemanly and good-looking attorney, who was confined in Whitecross-street for two or three years for contempt, by not putting in his answer to a Chancery suit. It was a singular circumstance that he was the only person in Whitecross-street who received the sacrament every month, and he always took great care to give notice to the chaplain of his intention. Many attended the chapel during the service; but after its conclusion, he and the chaplain were always left alone at the celebration of the sacrament. The wine was provided by the City; and after the sacrament was over, the chaplain, who was a gentleman and a scholar, left him alone with the bottle of wine, well knowing that he had been accustomed to wine all his life, and could

not get any in the prison. I need hardly tell the reader that he invariably drank the whole of it.

A Chancery clerk in Lincoln's-Inn, with a very good salary, related to me the following remarkable circumstance in connection with comparison of handwritings. An attorney, a very rich man, who acted for the defendant in a case in which the clerk's employer was for the plaintiff, lived with a lady in St. John's-wood; and it so happened that the clerk, who had a large family, lived very near her house, and was annoyed by so many men calling and being entertained there not only during the day, but at night also, much to the discomfort of his wife and children: so he wrote the attorney an anonymous letter, telling him what took place. He put it into the post; and when it was delivered, the party to whom it was directed was reading an answer in Chancery which had been copied by the identical Chancery clerk. After reading the letter he threw it down in disgust upon the Chancery answer, and by so doing at once discovered that both were in the same handwriting. At this very juncture the clerk called to see him on the business of the suit, to whom he said, "Who copied the answer?" "I did," replied the clerk. "You have also written me a letter, I will swear; for they are both in the same handwriting, the letter and the answer." The clerk was at once compelled to acknowledge it; and the attorney, being a gentleman, thanked him for the information, and no doubt availed himself of it as regarded his own position, and

thereby abated the nuisance to the Chancery clerk and his wife and family.

During my two years' residence at the Mansion House, I was much astonished at witnessing the liberality of the sheriffs, at that time far different from what it is in these days; and this is the more singular, as the sheriffs of the present day generally canvass earnestly for the appointment, but when elected, strange to say, endeavour to economise every expense. I may here mention that Mr. Alderman Copeland, and Mr. Booth the great gin-distiller, filled the office in first-rate style—the wines were splendid and of every description. I remember dining at the three-o'clock dinner at the Old Bailey, on the 1st of September, with Mr. Alderman Thorpe, the Recorder, the Hon. Mr. Law, Mr. Charles Phillips, and other gentlemen. The sittings were being held before a London jury at five o'clock, and we were finishing dinner; when just as the partridges were introduced, we heard a noise at the door, which was caused by a marshalman rushing in to tell Mr. Alderman Thorpe that his deputy wanted to speak to him at once. The alderman laughed, and both he and the rest of us continued eating the partridges; when the Recorder, seeing the marshalman still waiting in the room, said to him in a loud voice, to the great amusement of the company, "Give the deputy a bucket of water and some hay, and tell him to wait." Aldermen and Common Councilmen know each other and all about one another equally well.

About this time Mr. Serjeant Andrews and Mr. Adolphus had a row in the lobby of the Old Bailey, and actually fought with their umbrellas. They were both sent to Coventry by the Bar; and one evening, in consequence of their disgust, I saw three serjeants in the Temple all turn their backs on Mr. Adolphus, who went up to speak to them.

I have heard many barristers say that counsel ought not to take briefs in obtaining licenses for public-houses; and I am not certain but they are right in their opinion: the fact is, so doing brings in a large sum to many jobbing barristers, who employ many canvassers to get them briefs. Mr. Bodkin, before he left the Bar, had the best of them; he was sure to be engaged in the application for a license, or to oppose it. The art of monopolising them is now lost, like that of painting on glass, and a more equal distribution takes place among all the barristers.

The late Mr. Justice Bailey was a most amiable and excellent man, not more conspicuous for his profound knowledge than for his unaffected piety. He is said to have made the following observations, after the conclusion of a very obstinately contested horse-cause: "Take my advice, gentlemen," said he, "and accommodate matters of this kind, if possible; for men lose more than twenty-five pounds in bringing an action on the warranty of a horse, even if they win; and such is the danger from the evidence com-

mon in cases like this, that justice is no security of success to a man. I perceive that the gentlemen below me do not approve of this doctrine, but the truth must be told sometimes."

Absurd as it may appear in modern eyes, there can be little doubt that personal appearance is closely connected with the power of obtaining both respect and esteem. Did we assign no value to the outward show, we should hardly invest the Judge with his magnificent robes, or place the imperial crown on the head of the Sovereign. It is remarkable to observe how much the business of a Court has depended on the personal character of the Judge who presides in it.

It is customary to confer the honour of knighthood on the puisne Judges. Mr. Justice Heath always refused, and declared he would die plain John Heath; which, in spite of every persuasion to the contrary, he did.

Mr. Horne Tooke observed, respecting the 1 Geo. iii. c. 23: "I do not believe the dependence of the Judges on the Court was so great formerly as at present. I believe the Judges then were less dependent on the Crown, and more dependent on the people than they are at the present hour. The Judges then sat on the Bench knowing that they might be turned down again to plead as common advocates at the Bar, and character and reputation were then of more consequence to the Judges than they are now.

They are now completely and for ever independent of the people, and have everything to hope for, both for themselves and families, from the Crown."

At the assizes in Cardiganshire, in 1832, the defendant in an action sent a statement of his case, with a ten-pound-note enclosed, addressed to Mr. Justice Alderson at his lodgings. When the learned Judge next day took his seat on the Bench he mentioned what he had received the evening before, and declared his intention of placing the letter in the hands of the Attorney-general for the purpose of a prosecution against the offender. It was, however, intimated to him that the offence had been the result rather of ignorance than of crime; and the Judge, having returned the money and censured the defendant, allowed the matter to drop.

The same Chancery clerk whom I have described as writing an anonymous communication told me of a letter that he had seen from Lord Eldon, in answer to an application of the wealthy Mr. Holford, who was formerly a barrister, to be made a Master in Chancery. I knew the gentleman by sight very well; he lived at that time in one of those large houses in Lincoln's-Inn, and left millions behind him. He stated in his letter to Lord Eldon that his father and grandfather had been Masters in Chancery, and he should be very much obliged to the Chancellor if he would appoint him one. The Chancellor in reply wrote this laconic epistle:

"Dear Holford,—You say that your father and grandfather have been Masters in Chancery. I think it is high time to cut off the entail. Yours sincerely,

"ELDON."

Formerly the masters in Chancery made immense sums of money by purchasing the estates of the poor suitors in the Court whose cases were referred to them—in the progress of the suits, in fact, they were then allowed to do so. This is all altered now, and very properly so, for it was nothing but robbing and jobbing.

Sir Giles Rooke had once to preside at the trial of a young woman who was charged with having stolen a saw valued at ten-pence from an old-iron shop. The evidence was clear against her; but it was proved that she had committed the offence from the pressure of extreme want. The jury felt the hardship of the case, and the cruelty of punishing with severity an offence committed under such circumstances; and, despite the clearness of the evidence, consulted for some little time in doubt together. At length, however, they agreed; and the foreman, rising, with evident agitation, delivered the verdict—"Guilty." Upon this Judge Rooke addressed them in the following terms: "Gentlemen of the jury, the verdict which you have given is a very proper verdict; under the circumstances of the case you could have given no other. I perceive the reluctance with which you have given it. The Court, sympathising with you in the unhappy con-

dition of the prisoner, will inflict the lightest punishment the law will allow. The sentence is, that the prisoner be fined one shilling, and be discharged; and if she has not one in her possession, I will give her one for the purpose." The audience, jury, and counsel showed how deeply they were moved by the language of the venerable Judge.

I recollect the late Lord Chief-Justice Abbott being much pleased with the following scene that took place in court. An important action was being tried respecting a large estate in Kent, and it was that description of trial in which one party seeks to turn out the lawful owner. A fine-looking witness in a smock-frock was called; he soon, in the course of his evidence, let the Court know that he had a large family, and that three of his sons had been killed at Waterloo. His testimony was most important; and Mr. Alderson (afterwards Baron Alderson), who had received a special brief from the attorney to protect him during his cross-examination, at the early part of the trial started up and said that he was instructed to protect him in giving his evidence. The witness turned suddenly round, and looking at Mr. Alderson, said, "I do not want any protection. I have been taught and told that the Lord Chief-Justice of England protects all his Majesty's subjects." The Judge was greatly pleased with the remark of the witness to Mr. Alderson, and I saw his lordship cast frequent looks at him after he left the witness-box.

Lord Chancellor King was nearly related to the illustrious Locke, and was the only son of a grocer and drysalter in Exeter. Originally intended for the same trade as his father, he, however, by diligent study, and by the production of a very successful work on divinity in his twentieth year, induced his friends to emancipate him from the counter and allow him to prosecute his studies for the Bar; to which, after nine years' diligent and profitable application, he was called in 1688. He obtained an almost immediate practice, and in 1700 took his seat in parliament, where he sat under the Whig banner. He derived considerable advantage from a correspondence with Locke. In 1705 he was made Recorder of Glastonbury, and in a year or two afterwards he obtained the same office in the Corporation of London, with knighthood.

Sir William Blackstone, the author of the well-known Commentaries on the Laws of England, was the son of a silk-mercer in Cheapside, and losing his father when very young, received his education at Charter House and Oxford. Being anxious to obtain a professorship at his university, when the chair of Civil Law became vacant he solicited and obtained the interest of Mr. Murray (afterwards Lord Mansfield) with the Duke of Newcastle, Chancellor of the University.

After this he returned to the Bar, where he obtained considerable practice. He was appointed Solicitor-general to the Queen, and in 1765 pub-

lished the first volume of his Commentaries. In the course of the four succeeding years the other three volumes appeared. For this work, which has obtained so great a popularity, the author is said to have received but a trifle. It tended, however, very considerably to exalt his fame, and probably paved his way to the Bench, to which he was ultimately raised. He died in 1780. His manner is said to have been stern and forbidding.

As a public man he left few records of his general usefulness. In the service of his university, especially of his college, and in the improvement of his native town (Wallingford), he is said to have exerted himself with laudable industry. The new western road over Botely Causeway is said to have been planned by him; his motive for which is said to have been not only a regard to general convenience, but a wish to improve the value of the property of a nobleman in the settlement of whose affairs he had been engaged.

CHAPTER XXVII.

Edwin James the barrister, an actor also—Is taught elocution—Plays George Barnwell at the Theatre Royal, Bath—Charles Young, Serjeant Wilkins, and Charles Kemble—Mr. Justice Cresswell and the shirt-maker—Edwin James examining a Bishop in the House of Commons—Mr. Baron Platt's Clerk—A Wharfinger—Serjeant Best on obtaining a large amount for compensation.

EDWIN JAMES the barrister, who was disbarred, had a very large practice in London, and also on the Home Circuit. I knew him before he was called to the Bar; he was at that time in great difficulties. I recollect lending him thirty or forty pounds, which I afterwards got repaid by means of his holding my briefs. Previously he used to be constantly playing at a private theatre in Wilson-street, Gray's-Inn-road; and he took some lessons of Mr. Cooper, the noted actor, who was born in Bath, and had played first-rate characters with Mr. Edmund Kean and Charles Young. His charge was five guineas, but James paid only two; but by way of indemnification made him a present of his album, as he called it, though it was more like a diary. I have seen it; the contents are a record of everything that took place during his stay at Bath, where he was engaged to play George Barnwell at the Theatre Royal in that city. I read it at Mr. Cooper's: it is written in a

very good handwriting. The most trifling circumstance is noted: his arrival at Bath in the evening, and his next morning's visit to the beautiful adjacent village of Weston. He even mentions that he had a glass of the celebrated Bath ale at the village hostelry there. He then called at the theatre, where the rehearsal was to take place the next day; he also mentions in the diary that he had two glasses of gin-and-water, and went to bed. The next morning at the rehearsal, he states that he read his part of George Barnwell, and was much pleased with the theatre. I think he again alludes to the important fact that he had three glasses of gin-and-water, and then went to bed. He rehearsed in the morning at the theatre, and in the evening played the part of George Barnwell. He complained that there was a great noise on the stage, which interrupted and confused him. The first night he performed George Barnwell, the celebrated tragedian Mr. Charles Young was in a private box; he happened to be at Bath on his return from a visit to the Bishop of Bath and Wells. He states in the diary that, when the performance was over, Charles Young came and shook hands with him, and told him to follow his profession, for he would be sure to succeed. After that we are again informed that he had three glasses of gin-and-water; and the diary or album finishes by saying he played two or three weeks very successfully.

If he had kept his accounts instead of his diary he would have been the first man at the Common-

Law Bar at the present time. His appearance was against him; he looked more like a prize-fighter than a barrister; but this did not prevent his success.

I was on one occasion dining with Charles Kemble the actor, who was very deaf. He inquired of me how Wilkins and James were getting on at the Bar (Serjeant Wilkins had also been an actor), and he threw a long-speaking trumpet across the dinner-table. I told him they were both in the hands of Jews and attorneys: he replied in a loud voice before all the company, "Then it is all up with both of them." A gentleman who was sitting near me took up the trumpet, and said both their figures were against them, and they would never have succeeded on the stage. Charles Kemble replied instantly in a theatrical manner: "Figure has very little to do with it, so that there is the talent, which they both had." This was a very liberal expression on the part of Charles Kemble, because all the Kemble family were finely formed, and presented handsome figures on the stage.

Edwin James never made lengthy addresses to the jury, and a racing man would say of him, that he could not go more than half a mile. Perhaps his short addresses were an advantage to him. It was very interesting to see him, when on coming in he perceived that his junior was losing the cause, immediately look at what evidence had been taken, and the witnesses who were called, and astonishing to see how cleverly he gave a different appearance to his client's

case. I heard a barrister one day say it was like the play of battledore and shuttlecock; for the moment the shuttlecock was falling he struck it, and sent it up into the air, and generally got the verdict. He was great as a cross-examiner, and did more by little tricky sentences than by argumentative speeches.

I was one day in court when Serjeant Wilkins was for the plaintiff, and Edwin James for the defendant. The serjeant, in his address to the jury, said he should have to call a large ironmonger as a witness, and he was sorry to say he was afflicted by Providence; for he had a tongue too large for his mouth. He was cross-examined by Edwin James, who in his address to the jury, after stating everything in favour of the defendant, said: "By the bye, I nearly forgot the ironmonger with the large tongue in his mouth whom the serjeant made so much of, and spoke so feelingly about. Gentlemen of the jury, during my cross-examination of him he turned out to be a billiard-marker instead of an ironmonger." Edwin James got the verdict, and the serjeant lost his temper: I had never seen him in such a rage before. I have mentioned this circumstance to show how quick James was, and how well he could manage a jury.

I was present in court when the late Mr. Justice Cresswell was presiding as judge at Guildhall. The plaintiff was a great shirt-maker in Regent-street, and brought an action for a large amount against a young nobleman. Edwin James was for the defendant, and after a long cross-examination of the plaintiff

he found that he was a member of the Middle Temple, and had kept his terms for the last six years at the hall of that society. Justice Creswell threw himself back in his seat, and nearly fainted away; the Court was convulsed with laughter. James made an excellent short speech, and obtained the verdict.

He was member for Marylebone; and I was one night in the gallery when Sir John Pakington had slightly attacked him. James started up as if he was in court, for he could never speak long in the House of Commons, and began by saying, "We all like to hear Sir John Pakington speak; he speaks well, and often about himself." The House of Commons laughed, and Sir John Pakington appeared very angry.

I heard a barrister say James was so great a liar that even Admiral Rouse could not handicap him.

Although Edwin James was so clever as a cross-examiner, he often met with a witness who was his match. On one occasion I was in a committee-room of the House of Commons at Westminster, when the Roman Catholic Archbishop of Armagh was to be cross-examined by Edwin James; the fact was known in Westminster Hall, and the committee-room was crammed with barristers to hear it. The archbishop entered the committee-room at eleven o'clock, and immediately the committee of the House of Commons ordered a chair to be placed for his lordship. When the time arrived James got up in his usual manner, and addressed the witness as Dr. Cullen, who replied, "I am Archbishop of Armagh, whether you

choose to call me so or not." The petition was for the purpose of unseating the sitting member, who had been supported by the archbishop. It had been a most murderous election; several men were killed: and it was of great importance to James to ascertain the exact date when the archbishop addressed the electors in their committee-room. The first question he put to him was, "Were you not in the committee-room on the 6th May?"—which was very important. The archbishop replied that he was not quite certain whether he could give the date, but said, "I think it was four days after I wrote my pastoral letter." (A laugh by the committee.) James asked him another question, in which also the date was very important. The archbishop replied, "I am not certain that I can give you the date, but I think it was the same day as that on which I issued my pastoral letter." James, in despair, asked another question, also important as to date; when his lordship answered, amidst roars of laughter, "I think it was the very day, I am not quite certain, that I saw a printed copy of my pastoral letter;" and seeing the committee smiling, said, in a loud voice, "Has any gentleman in this committee-room got my pastoral letter? then I can answer Mr. James's question." James, seeing the committee and the barristers all highly amused, sat down in disgust, and said in an under-tone to those who were near him, "D—n the pastoral letter!" So the Archbishop got the best of the great cross-examiner James.

The late Mr. Baron Platt had a large business, but not large fees. He had an excellent clerk. When he was a Judge he took the chair at the dinner of the Law-Clerks' Society, which was held at the Freemasons' Tavern. In his speech he pointed to his clerk, who was present, and stated that, had it not been for him, he would not then have been on the Bench. Many of the clerks knew that right well. The clerk was very much given to drinking, but, being a very knowing man, remained at chambers until 11 o'clock at night, a gin-bottle by his side, and lots of candles: it was called the lighthouse, for when all the barristers had left the Temple, Baron Platt's clerk was sure to be there. Through his so remaining he gained many briefs, as he knew very well the majority of the attorneys deferred delivering them until the last hour, especially as many of their clients accompanied them or their employers, in order to pay the fee. Forty guineas was perhaps endorsed on the brief to Mr. Erle or Mr. Thesiger. The attorney and client at that late hour were informed that they were both engaged, and could not attend to-morrow. The attorney or his clerk would say, "Never mind; we will go to Mr. Platt, who will do just as well; and we shall be sure to be in time, as I see a light in his chambers. We will go over to Peele's Coffee-house, and I will put on a fresh outside sheet with Mr. Platt's name, but with an indorsement of a twenty guineas' fee only." The client knew nothing about the reduction, for he was drinking brandy-and-water during the transaction, for which he paid, of course,

for himself and the attorney, who placed the balance of the money to the account of his bill; so that the clerk got Mr. Platt the brief and the fee, and what is more, he did the business as well as the two gentlemen whom I have named, who never took briefs if they knew positively that they could not attend to them. There are very few causes tried for which much actual depth of legal knowledge is requisite.

I remember being at Platt's chambers when he was made a Baron of the Exchequer; and he showed me two curiosities—his fee-book, and also a large chest of old-fashioned drawers, which he opened, and showed me that they were full of awards which had never been either taken up or paid for. His clerk must have been exposed to much temptation, for he stayed up very late at night at various taverns, where he was treated by the attorneys, or their clerks or clients; and he did not succeed as he should have done as a clerk with his prospects, though he managed to make upwards of ten thousand pounds. Unfortunately, having invested as a shareholder in the British Bank, and speculated in other ways, he was obliged to sell his property and reside in Boulogne, where distress of mind drove him to further indulgence in raw white brandy, which soon brought on a paralytic stroke, on a return of which death was the result.

I knew a wharfinger who had a large number of warehouses, at that time close to the proposed site of the Docks. His name was Pearson, and he was

afterwards my client. When his warehouses were required, he would not take the compensation which was offered to him by the Dock Company, but insisted on going before a jury, and employed Mr. Serjeant Best, who was the *best* counsel in compensation cases that was ever employed. Mr. Tilson, an attorney of great practice at that time in the City, and who had been under-sheriff a great many times, said of Best that, owing to his West-of-England countenance, his blue coat with brass buttons and buff waistcoat, and his appearance altogether, the jury believed every word he said; for, of course, there was no law-question in any of these cases. Mr. Tilson used shrewdly to say, "Never employ a cunning parchment-looking barrister; for a jury will, as a rule, always think that he is deceiving them."

When the Dock Company, after several years of digging, wanted Mr. Pearson's warehouses, he employed, as I have said, Mr. Serjeant Best, who obtained a verdict of 30,000*l.*, after a most eloquent speech, which was printed at his own cost, and sold for sixpence; but it was instrumental in gaining him all the compensation cases connected with the Docks and Waterloo Bridge. Pearson, suddenly being possessed of so large a sum of money, and having lost his trade, took to speculation, and lost everything except a half share of a freehold, No. 1 Ludgate-hill, which is now a tea-shop, and soon died. He left a large family of girls, and one son, a very clever man, but very dissipated, and who, by importunity, anticipated his share (200*l.*), and soon spent it; ultimately

a division of the property took place at No. 1, and he and his sisters attended to complete—the sisters to receive their 200*l.* each, and the son to execute the deed. His sisters, who were very handsome, had agreed among themselves that they would allow the brother 100*l.*—for, as a rule, sisters lean more to a dissipated brother than to a steady one—and before the meeting they had informed the two attorneys that they should lend their brother 100*l.*, which they had subscribed for among themselves. Their attorney immediately said, "Of course he must give you a warrant of attorney;" the sisters, as may be imagined, knew nothing about such a document, and did not know what it meant: at the meeting it was brought ready prepared for signature by the attorney, who presented it to him, and said before the 100*l.* was paid to him he must sign it. He was a very respectable attorney, had a large bald forehead, and wore tortoise-shell spectacles, which he constantly shifted from below to above his eyebrows; he did so on this occasion, and said, "Now, sir, I and my partner always explain what the warrant and defeasance is before it is signed; this is it: if you do not pay the 100*l.* and interest on the 1st April, judgment will be signed, and you will be liable to be taken in execution." Pearson simply said, in a joking manner, "It is a good day for payment, being the 1st of April;" signed the warrant of attorney and deed, got the 100*l.*, and put it in his pocket; he then looked at the attorney, with his bald head and spectacles, and said, "Sir, I will sign another if you will give me a *fiver*." The attorney was

astonished; but Pearson's sisters appeared to enjoy the joke immensely, and said that they knew by this time what a power of attorney meant.

In reference to what I have above stated I may also mention that I was present at the hearing of a very important compensation case at Westminster, where Scarlett was on the one side and Brougham on the other; and I was satisfied that the handsome appearance of Scarlett had much more influence than the cunning looks and quibbles of Brougham, and that the jury felt its impression, for they gave large damages to his client.

A serjeant, who was very clever in his profession, and also in conversation, met a Queen's Counsel who was very rich in the Temple. The serjeant said, "How is it that, with the large property which you have made at the Bar, you are staying in London this long vacation? I thought you would visit Japan or Astracan." "No," said the Queen's Counsel; "I have made 400*l.* this week." The serjeant replied, "You have plenty of money, and when you die you can't take it with you; and if you could, it would all *melt*. The last enemy, death, does not want the money, only the man."

Upon the Northern Circuit, in former days, there was nothing more remarkable than the terms of intimacy on which the counsel who went it lived together. The following anecdote will illustrate this. Mr. Wood and Mr. Holroyd (both of whom

were afterwards raised to the Bench), when crossing Finchley Common on their way to join the Northern Circuit, were stopped by a gentleman of a fashionable appearance, who rode up to the side of the carriage, and begged to know "what o'clock it was." Mr. Wood, with the greatest politeness, drew out a handsome gold repeater, and answered the question; upon which the stranger, drawing a pistol, presented it to his breast, and demanded the watch. Mr. Wood was compelled to deliver it up; and the highwayman, after wishing them a pleasant journey, touched his hat, and rode away. The story became known at York, and Mr. Wood could not show his face in court without some one or other of the Bar reminding him of his misfortune by the question, "What's o'clock, Wood?"

CHAPTER XXVIII.

The two Temples—Brougham—The Head-gardener and the Gardens—The Laundresses of the Temple—The Cloisters—The County Courts—The kindness of a County-court Judge—Two Counsels lying before the Judge—Mr. Justice Maule and Serjeant Manning—Judges' Chambers and the late Mr. Justice Williams.

THE Inns of Court, the noblest nurseries of humanity and liberty in the kingdom, are four in number, viz. the Inner Temple, Middle Temple, Lincoln's-Inn, and Gray's-Inn.

Lord Plunkett said that any young man who enters one of the gates of these Inns of Court may, by industry and talent, obtain the first offices under the Crown.

The Inner Temple and Middle Temple were leased to the students of the common law, and the Outer Temple to Walter Stapleton, who was Bishop of Exeter and Lord Treasurer, beheaded by the citizens of London in 1326.

No change took place when the Temple property passed to the Crown at the dissolution of religious houses; and the students of the Inns of Court remained tenants of the Crown till 1608, when James I. granted and conveyed the Temple to the benchers of the two Societies and their successors for ever.

The site of the Outer Temple adjoins Essex-street, Strand, and a few lanes adjacent. What a

difference the Temple presents now from what it did when I was a young man! I used then to visit it every night in the November term with briefs and cases for barristers. There was a light in every set of chambers, and it looked like a manufactory of law. The barristers attended their consultations in the evening; and the Judges' summonses were returnable, at that time, at seven o'clock at night. How changed is all this in these days! You may now go into the Temple without seeing any light except that of some unhappy victim of disappointed hopes who resides at the top of the house under the tiles, and a feeble glimmer from the small gas-jet on the staircase, which seems to wink at you as you pass by.

Shakespeare represents the Temple Gardens as a fine open space fronting the Thames, the place in which the distinctive badges (the white rose and red rose) of the houses of York and Lancaster, the fruitful source of so much bloodshed and misery, were first assumed by their respective partisans.

> "*Suffolk.* Within the Temple Hall we were too loud;
> The garden here is more convenient."
>
> First Part of *Henry VI.* act ii. scene 4.

A writer of the present century said it would be impossible to revive this scene of Shakespeare respecting the Gardens; for that in his days, owing to the smoke and foul air of London, the commonest and hardiest kind of rose had long ceased to put forth a bud in the Temple Gardens. If he were alive and visited it now, he would be astonished to

see what is done by the exertions and skill of Broom, who has been head-gardener there for so many years. Under his magic touch everything seems to flourish. The enclosure is filled with flowers, and the grass-plot is kept in perfect order. I have seen grapes and flowers grown on the spot in such perfection as would hardly be credited. The Thames Embankment will add a large plot of ground to the Temple Gardens, on the site of the old muddy banks of the Thames. But Broom is especially noted for his display of chrysanthemums, upon the culture of which he has published a book; and they are now cultivated in every part of England. He knew that no other flowers would so much please the Templars, as they bloom at the end of October, or the first week in term, the Temple being deserted and the church being also closed during the long vacation. Other gardeners have not encouraged the growth of these flowers; but on one occasion a number of them, going up the river in one of the steamboats after dining together in the City, saw to their astonishment the bank in the Temple Gardens brilliant with various colours, like variegated lamps at Vauxhall, in the gloomy month of November. These gardeners afterwards called upon Mr. Broom, and through this circumstance these flowers were soon displayed all over the country. A bencher in the Middle Temple spoke to me of the good-heartedness attributed to Broom. He said that many of the benchers objected to the children coming into the Gardens during the time they are open for public promenade; but Broom,

in urging a continuance of it, replied, "It would do your heart good to see these poor children. The moment the clock strikes six some five or six hundred of them rush in from the crowded courts and alleys in the neighbourhood of the Temple, many of them ragged as robins, and the moment they set foot in the Gardens rolling on the grass with as extreme delight as would probably be shown by an old scavenger's horse if turned loose into a beautiful meadow."

I have derived great pleasure from the sight of these radiant flowers, and have viewed with much real interest the painstaking efforts of Broom to succeed in obtaining such perfection under the somewhat difficult circumstances of situation and climate; but, I must add, not altogether at present without being in one way further influenced by him, as I have received from him the compliment of naming one variety after myself, as a recognition of my interest in his attempts.

The Middle Temple Gardens are much smaller, and there used to be a row of elm-trees, which have been cut down, and the Gardens very much improved.

The Middle Temple will also gain a very large piece of ground by the Thames Embankment. The gardener cultivates the same kind of flowers as those grown at the other Temple. Mr. Dale is the head-gardener, and the benchers are well satisfied with his skill and industry.

I cannot, however, end this notice of the Temple without a word or two about those nondescript beings

the laundresses employed there. They are generally the widows of lawyers' clerks who have drunk themselves to death, leaving them next to penniless, but with the inheritance of a great portion of dodges and petty larcenies akin to those of their late husbands. They generally carry large baskets, and it is astonishing what a multitude of things these will hold,—coals, bread, and many of the lighter articles needed by a laundress, without regard to ownership. Their power of expansion is somewhat marvellous. I have often thought it possible for the laundresses to carry off furniture in their baskets; but the opportunity is now lost, as gentlemen will not now engage any one of them who uses a basket. They are a most remarkable class of women: their cunning, larceny, and gin defy even the acuteness of young students, who are no match for them, whatever their knowledge of legal points and quibbles may be. Rain makes no difference to these creatures. They are like old ducks,—never wet through. From my bedroom, whilst shaving, I have a capital opportunity of observing their movements, for I am an early riser. It is astonishing how they group together. First one of them appears, bringing the cinders in the supplement to the *Daily Telegraph* or some other newspaper, and empties them into a tub which is placed in the centre of every court in the Temple. She is soon joined by another, who brings her quota of cinders in an old wig-box. The two are soon joined by a third, and thus a quorum is constituted; and the conference (rain or sunshine) lasts for at

least twenty minutes, not a thought being given for the gentlemen whom they keep waiting for their breakfasts. They are then to be seen relating to each other everything concerning the different chambers to which they attend; for from them no secret is hid. They know everything: where the barrister came from, what he is doing, what the mother was, and what the sister is. They are always to their employers the harbingers of bad news: some child has been run over, some boat was capsized yesterday on the river, or some grandchild, with the rest of the family, seized with some malignant fever; whilst, instead of such dolorous rehearsal, the poor student, on the contrary, requires some enlivening story to cheer him onwards, having little money and fewer briefs. But the most remarkable thing about these women is, that they are generally lame, according to their statements, and are always afflicted with various complaints. I knew one who had every ailment incident to humanity, and she is still alive. Another remarkable thing about them is, they are ever to be met with, even in the busy thoroughfare of Fleet-street. I was once going up Bell-yard, when I saw four of them looking into a shop in which deed-boxes were exposed for sale. They were astonished at seeing one with "Serjeant Wilkins' Cash-box" inscribed on it in gold letters. I stopped and listened to their conversation. The last laundress that joined the party burst out into a fit of laughing; she was taking Scotch snuff out of a round tin box. The first one said, "Lor! why, my sister-in-law attended

to his chambers, and I am sure there never was any cash in the box, to her great sorrow." The third laundress — a little cunning-looking woman, with small black eyes about the size of a currant—made, after all, the most sensible observation: she said, "What a fool he must have been to have such a box in his chambers! for people were calling for money every day; and it would only make them more wild than ever after it." Some gentleman at the time passing by, and seeing so many of us looking at this cash-box, stopped and ultimately purchased it: but who he was, what he gave for it, what he did with it, or whether it brought him luck, I never heard from that day to this.

But there are many laundresses who never associate with the class that I have described; they are better dressed, and some of them good-looking; they have the choice of the richest men in the two Temples. How they were ever called laundresses I could never understand. The Universities of Oxford and Cambridge call the same class of women bed-makers.

It has been said that there are fifty-nine county-court Judges who have been appointed since 1830, and who do an enormous amount of work. Yes, unfortunately for the poor, they are doing an enormous amount of work. But very few, inappreciably few, of the cases heard in the county courts would have been tried in the superior courts. Some cases would have been tried before the under-sheriffs, and

the great mass never would have been tried at all, to the great saving of time, money, and temper of the unfortunate litigants. The fees of court are heavy enough — far too heavy, in fact — much larger in many cases than in the superior courts. A quarter of a million a year is extracted in fees, paid mostly by poor folk. The fees allowed to lawyers are ridiculously small, and to witnesses as meagre as may be. The county courts, it is boasted, bring justice to every man's door. They bring law to every poor man's home, if that means the same thing. County courts are praised as a liberal invention for the benefit of the poor: why, the poor are always defendants; the tally-man and such-like are the universal plaintiffs. Poor men and their wives are tempted to buy things they don't want, on credit they ought not to have, at prices immeasurably above the value. The process is, on the whole, so cheap, that many are thereby stimulated to litigation; and many nowadays never think of paying till they are summoned to the county court. The manufacture of plausible excuses for paying by instalments of a shilling a month (little more or less) is quite an art. The cause of the increase of the business in county courts is exactly the reverse of the cause of the increase of the business in the superior courts; in the county courts it is a sign of the poverty-stricken condition of the lower classes. The poor have one more liberal provision: they go to prison, under county-court orders, at the rate of 10,000 a year. A great fact this, which, sooner or later, will have

to be inquired into and remedied. Hodge at the plough often learns for the first time when he is walked off to prison that he owes a debt to a tally-man for useless finery supplied to his wife without his knowledge; but when he has once been in prison, he also learns how foolish it is to pay anyone. There is yet another advantage to the poor man: in olden barbarous times, if a creditor took his debtor's person, the debt was satisfied; if a debtor was deprived by his creditor of his liberty (the highest right he had), the creditor thereby extinguished the debt, or at all events exhausted his remedies against his debtor: but as regards the poor man, by the County-court Act this merciful law was abrogated; he may be incarcerated in gaol over and over again for the same debt; the loss of his liberty is no discharge from his debt. I have known of a poor man who has been sent to gaol twelve times for a few shillings, and kept from his wife and family for three weeks at a time.

I knew a county-court Judge, and I the less reluctantly mention his name because what I have to relate is greatly to his credit (the late Mr. Prendergast, Q.C.), who was judge of the City County Court, and who resided at Serjeants'-Inn. I was one day, shortly after his death, coming out of the Inn, when I saw the keeper of the court and his wife entering the Inn. They asked me which was Mr. Prendergast's house. I pointed it out to them, saying, "That sunny window is where he always sat.

Why do you ask the question?" "Why, sir, he was such a good-hearted man," the husband said. "I will tell you what he did with me. After a long day's sitting he would say, 'I want to see you after the court is over.'" The fact is that, owing to their insolence and temper, he was obliged to commit many of the defendants. The court-keeper went to him; and he said to him, "I have been obliged to commit several of the poor people for very small sums. Here is a 5*l.* note for you; go and pay their small debts, and get them out to-night." The court-keeper told me this. He did it very often, but always saying, "Mind, if you tell anybody what I've done, I will discharge you."

I remember a celebrated advocate whom I knew very well (he was originally at the common-law Bar, but died a Q.C. of the Court of Chancery), who was unfortunately notorious for misquoting law and cases; sometimes, no doubt, from excessive eagerness to win, and sometimes from forgetfulness. He once stated to the Court that in a case which he mentioned the law had been decided in a certain way. "I remember that case," said his opponent; "but my learned friend has forgotten to inform the Court that the case was appealed to the House of Lords, when the decision was reversed." Stung unwittingly into truth, the first advocate blurted out to those around him, "What a liar that man is! There never was such a case." So that they were both lying.

I recollect Serjeant Manning, who was a very nervous man, arguing a case before the Judges of the Common Pleas. He had a large number of books before him, almost sufficient to constitute a library. Whilst he was reading the report of one of the cases, a number of the books tumbled off the table in front of him. He said, "My lords, it is reported in two other books in the exact words." Mr. Justice Maule said, "Are you sure it is exactly the same?" "Certain, my lords." Maule replied, "Why hunt for the other books? Read the same case again out of the one you have in your hand." Everybody in court laughed at this remark of the Judge. The books were found, and Manning left the court.

Serjeant Manning was the son of a dissenting minister at Exeter. He was an able lawyer and good reporter, but a bad speaker. He was Queen's Ancient Serjeant—an office to which he never ought to have been appointed—by which he led the whole of the Bar, except the Attorney- and Solicitor-generals. He was appointed the County Judge at Whitechapel; and it was exactly the place for which he was specially adapted, the witnesses in this court consisting chiefly of foreign seamen of all nations. He was master of most modern languages, and was thus enabled to examine them himself without the aid of an interpreter. It was amusing to see the astonishment with which these foreigners viewed the Judge on his addressing them in their own language, and their respect for him was proportionally high.

He left a large and valuable library behind him, which was sold by auction after his death, and was attended by a large body of second-hand booksellers, the modern knackers of book-auctions.

The Judges' Chambers are a disgrace to the law. I recollect very well when Mr. Justice Williams, of the King's Bench, was made a Judge, he attended at chambers before he went to Westminster; and he dined the same day at Serjeants'-Inn with the other Judges. A serjeant told me he overheard the following conversation. On being asked how he got on at chambers, he said, "I went in good time, before the return of the summonses, and sat at an old table covered with green cloth, with some old law-books on the practice of the Court on one side of it. The noise was terrific. I thought every moment the door would be broken open. The first summons on the list was attended by three little boys—one white-headed, one black-headed, and one carroty-headed: it was a summons for time to plead. The white-headed boy said, 'I want a week's time to plead'—producing the summons before me. I said, 'Why not?' The black-headed boy replied, 'This is a peremptory summons, and you have no power to grant the time.' And while I was indorsing the order on the summons he said, 'My lord, I shall move the Court against you to-morrow.' The red-headed boy said, 'My lord, I did the same thing a few days ago, and succeeded in upsetting the order.'" The Judges were convulsed with laughter; but this

did not prevent but rather assisted them in making a good hearty dinner.

Mr. Justice Williams always attended half an hour before the return of the summonses, and it is astonishing how this excellent rule assisted him in getting through the business of the chambers. The most disgraceful scenes are enacted there, where the most important questions in causes are continually being decided. The orders made (to state the most simple instance) on summonses for leave to plead several matters may and often do terminate the causes, as also on a summons to decide on interrogatories to be answered by either party; and, not to pursue the citation of instances further, it may be said that by far the greater part of every book of practice is occupied with matter which properly forms the subject for decision by a Judge at chambers; the correctness of which decision is, in the conduct of litigation, of the most vital importance. Now what is the course of procedure at chambers? Nothing can be so disastrously wasteful of time. The summonses are taken out to be heard, not at a particular time of day, as in Chancery, and as they might and ought to be at common law, but are all made returnable at ten o'clock; and the parties have then to wait till their turn comes to be heard. Very often, indeed generally (especially at the time of the Summer Assizes, when the Judges are on circuit, and there is only one Judge attending at chambers for all the Courts), you are detained for hours, and sometimes the whole day, without being able to get

before the Judge; and when you do, there is a scramble and want of dignity in the mode of procedure which distresses some modest men so much as very considerably to interfere with their power of advocacy. When a host of lawyers' clerks (always earnest in business, not always equally polite in their manners, and often soured in their tempers by waiting hours for their turn to be heard) are all crowding about you, and striving to draw the Judge's attention to their little bits of paper, it is to the last degree embarrassing to many men to state their case or to answer their opponents. Now what are the results of this system? In the first place, from the importance of the matters to be decided, the attorney himself in many cases ought to attend; but the loss of time and temper is so great, that this is almost impossible. It is also often inconvenient for a managing clerk to spare the time; and thus summonses are left to be attended by lads and incapable clerks, instead of by intelligent ones; or, to avoid attendance altogether, injudicious and injurious consents are given or arrangements made to the detriment of the client.

CHAPTER XXIX.

Disadvantages of the Law—The choice of Courts—The great Court of Review—Joint interest in a Horse and Gig—The Insolvent Court in Portugal-street—A Barrister taking the benefit of the Act—How Causes are tried at the Assizes.

An old author, more than 200 years ago, had a dread of going to law: "To go to law," he says, "is for two persons to kindle a fire at their own cost to warm others, and singe themselves to cinders. A law-suit is like a building: we cast up the cost in gross, and under-reckon it; but having begun, we are trailed along through several items, till we can neither bear the account nor leave off, though inclined to do so. The anxiety, the trouble, the attendance, the hazard, the checks, the vexatious delays, the surreptitious advantage taken of us, the hopes deferred, the falseness of pretending friends, the interests of parties, the negligence of agents, and the designs of ruin upon us—do put us upon a combat against all that can plague poor man; or else we must lie down, be trodden upon, be kicked, and die. So far law may be compared to war, that it is a last resort, and ought never to be used but when all other means do fail."

England now is as reckless of the time of her industrious classes as she is of their money, and you

realise in litigation what Sydney Smith only imagined —a man stripped of his *flesh* and sitting in his *bones*.

The choice of Courts is of infinite service to the suitor. What has been said of individual Judges applies also to the Courts themselves; one Court may be more learned or strong in the law of real property, one in common law, and another in commercial law. It is most important in this country to regard the customs, habits, and traditions of the people, to build on the old lines, to add to old institutions, to provide for exigencies as they arise; not to destroy, and then build anew.

We have seen new Courts and new jurisdictions tried over and over again in our time, and we have also seen their utter failure. The Court of Review was established with three Judges, subsequently reduced to two (who, by the bye, always differed in opinion), then to one, and finally had to be abolished.

The chief of the Court was the late Mr. Justice Erskine; Sir George Rose and Mr. Serjeant Cross being his juniors. They had no business, but sat punctually every day at ten o'clock. Sir George Rose was always making puns, or writing them down for the amusement of the other two Judges, sometimes even for that of the Court. He is alive now, and is one of the wittiest Benchers that dines in the Hall of the Inner Temple.

What I have said of the Bankruptcy Court applies equally to the Insolvency Court. The first Judge of

this Court was Serjeant Runnington; he was succeeded by Henry Revell Reynolds, who was a far better commissioner than Serjeant Runnington.

By the new Insolvent Act, passed in 1824, an additional commissioner was appointed, and three out of the four commissioners were to make three circuits every year to the different assizes and other towns where prisoners were to be discharged. It was calculated that each of those circuits would comprise a distance of 800 miles, so that each commissioner would have to travel 2,400 miles in the year; but this did not answer, and was soon abolished.

I knew a poor and very industrious counsel who followed the commissioner to Newcastle. It was winter-time, and the snow was falling fast when he ascended the roof of the Highflier coach, just starting for that town from the White Horse in Fetter-lane. It was affecting to see his wife slip into his hand a small parcel, consisting of some home-made pork-pies. I heard afterwards that he was out a whole day and a night in that terrible snow-storm; and when he arrived at his journey's end he could scarcely stand, being almost frozen to death; but I am happy to say he got a considerable number of briefs to console him for the pain he had undergone. He soon changed his circuit and went the Oxford, where the etiquette of the Bar was not so strictly enforced as on the regular Bar Circuits.

He and another barrister agreed to buy a horse and gig, and follow the commissioner to the various towns; they appeared to enjoy it very much. The

barrister I have mentioned was fond of driving and of horses, and when they reached a town, instead of looking after briefs, was looking after his horse. The other barrister at once called upon the insolvent attorneys practising before the commissioner, and as a matter of course succeeded in obtaining the greater part of the briefs. This happened on two or three different occasions on the circuit at the various towns. Nature could stand it no longer. They both lodged together; and our friend of the whip asked the little halfpenny servant whether or not a brief had been delivered. She could not recollect; but he was suspicious; so going up into the other barrister's bed-room, he found a brief between the bed and the mattress. Of course they separated; our whipster selling the horse and gig and pocketing the money. An action was brought to recover half the amount realised by the sale of the horse and gig; but this disgraceful transaction was settled by the intervention of a gentleman of the *liberal* profession, so as to prevent it from becoming a public scandal.

It was amusing to attend at the Insolvents' Court in Portugal-street. It often happened that the creditor did not employ counsel, but examined the debtor himself; in which case he very generally lost his temper. I was one day in the Court when a creditor asked a very gentlemanly-looking man who was taking the benefit of the Act, what he had done with the boots that he purchased the day before he filed his schedule. He coolly replied, "I have got

them on," and showed them to the Court, which caused much amusement.

Mr. Reynolds, the chief commissioner, was a very gentlemanly and kind-hearted man; and it was interesting to see him, after counsel had examined all the witnesses on both sides, take a pinch of snuff, look at the schedule, and say, "Insolvent, your schedule is most disgraceful, your state-paper is contemptible." All the Court thought there would be a heavy sentence upon the insolvent; but all that the chief commissioner did was to take another pinch of snuff, and say to him, "You are discharged under this Act of Parliament."

This Court was abolished, and the insolvencies heard before the County Court Judges of the different districts. I knew a barrister who was indebted in a very large amount—upwards, I believe, of 60,000*l.*—to different creditors; among them were a number of low Jew attorneys, for bills of 20*l.* and 30*l.* each, and discounted at an enormous rate of interest. He resided at Blackheath, in a large house, attached to which was a beautiful garden. He had arranged with the sheriff's officer to arrest him in the garden, as the servants denied him to every inquiry that was made to see him at the house. The officer walked round to the garden, and looking over the wall, saw the gentleman whom he wanted to arrest gathering apricots. He said, "You are my prisoner." They then adjourned into the house, and partook of an excellent repast; and when it was getting dark they started for the county prison.

It so happened that the County Court Judge was the barrister's most intimate friend. The day of hearing his petition for discharge arrived. The Jew attorneys who had discounted the numerous small bills entered an opposition; having taken day-tickets by the railway to the county town. The Judge, on being seated, said, "There is a very heavy schedule, which I shall take last." The day-ticket attorneys on hearing this were chop-fallen, for on this day there was much business, and the hour for luncheon brought it to near five o'clock. At that hour the screaming of the railway whistle was heard; the Court being near the station. It was amusing, a gentleman told me, to see these discounting attorneys hesitate whether they should return with their ticket, or stay in the town and sleep there; for the schedule being so long, there was certain to be an adjournment. Much to the satisfaction of the insolvent, they all bolted. At last, shortly after five o'clock, the case was called on. The insolvent was a very stout man, and the Judge asked him if he would take a seat. The Judge said, "I am as yet but imperfectly acquainted with the Act, which I see is called an Act for the Relief of Insolvent Debtors; and if you do not come under this description, I should like to know who does. The opposition to you has been withdrawn, and you are discharged."

I will now proceed to show how causes are tried at assizes, and will confine the consideration, for the sake of brevity, to Liverpool and Surrey.

In 1865, at the summer assizes at Liverpool, there were 125 causes set down for trial: of these 47 were special juries. There were two Judges, and of course the usual number of criminals to be tried. In 1865, at the summer assizes for Surrey, there were 186 causes set down for trial, of which 52 were special juries. The description of one assize will do for all. Speaking, of course, with the utmost reverence for the judicial office, it may be said that a large majority of these causes were not tried at all. At the Surrey summer assizes it is nothing less than a conspiracy, on the part of all concerned, to run through the cause-list and get rid of the causes. Sometimes the parties are forced to settle against their will, or, it may be, with their will, tired of dangling at the assize-town, and appalled at the accumulating expenses of the witnesses or at their absence. Pressure is put upon the parties by the counsel, who have received their fees and are anxious to get away, and who (to do justice to the leading counsel) are indeed overwhelmed with business and worn out with the toil. Causes are constantly referred to arbitration which ought to be tried by a jury. This is a common but most terrible form of injustice. The briefs are prepared, the fees are paid; the witnesses are summoned, are in attendance, and are paid; —all the expense of a trial has been incurred, and all has been thrown away. The fees paid to counsel and witnesses are lost; fresh fees have to be paid to counsel, attorneys, and witnesses; and moreover the suitor has to pay a very heavy fee to the arbitrator,

on whose charge there is no possible check by taxation or otherwise, whereas no fee would have been paid to the judge if the cause had been tried at Nisi Prius.

"We appear to be contending, but we are really engaged in plundering," was the remark of a very shrewd counsel at the last assizes for Surrey.

With regard to cases referred to arbitration at Nisi Prius, it must be remembered that scarcely any cause is likely to be taken down for trial at Nisi Prius which ought from its nature to be referred to arbitration. By the 3d section of the Common-Law Procedure Act, either party may, immediately the cause is at issue, obtain an order to refer the case to the arbitration of a Master of the Court, if the question is one of account. And let it be added, in passing, that this reference will be found infinitely more satisfactory than a reference to a barrister, as the Master gets no extra pay for sitting as arbitrator. His fees are paid into court, not to himself; he has therefore no interest in delay. The trumpery points on a reference, about which counsel and arbitrator, sitting round a table, will talk and examine witnesses for a livelong day, when the barrister reckons his fees for sitting as arbitrator at the same rate as the counsel engaged in the cause, drop into due insignificance before the Master.

CHAPTER XXX.

Gray's-Inn—Mr. Justice Littledale—A List of eminent Benchers during my Articles—Lincoln's-Inn—its Hall and Library—The Lord Mayor of London and his Sheep—Receiving Mr. Justice Abbott—Vice-Chancellor Malins granting an Injunction against a Circus-proprietor—Lord Chief-Justice Holt—Consequences of a juvenile Frolic.

GRAY'S-INN is an Inn of Court with two Inns of Chancery attached, Staple-Inn and Barnard's-Inn; and it is so called after Edmund Lord Gray of Wilton, of the time of Henry VII. The Hall was built in 1560, and the gardens first planted about 1600. The great Lord Burghley, and the great Lord Bacon, who dates the dedication of his Essays "from my chamber at Graies-Inn, this 30 of Januarie 1597," are the chief worthies of the Inn. Bradshaw, who sat as president at the trial of Charles I., was a bencher of the Inn.

Gray's-Inn Walks, or Gray's-Inn Gardens, were in Charles's II.'s time and the days of the *Tatler* and *Spectator* a fashionable promenade on a summer evening. Lord Bacon is said to have planted some of the trees, but now none exist coeval with his time. As late as 1754 there was in the Gardens an octagonal seat erected by him, when Solicitor-general, to his friend Jeremiah Bettenham of this Inn. The principal entrance from Holborn was by

Fullwood's Rents, then a fashionable locality, now the squalid resort of the poorest people of the parish of St. Andrew.

"Within Gray's-Inn Gate, next Gray's-Inn-lane," Jacob Tonson first kept shop.

The first turning on the right (as you walk from Holborn up Gray's-Inn-lane) is Fox-court, in which, on the 16th of January 1696-7, at six o'clock in the morning, the Countess of Macclesfield was delivered, wearing a mask all the while, of Richard Savage the poet.

The only toast ever publicly drunk by the society of Gray's-Inn is, "To the glorious, pious, and immortal memory of Queen Elizabeth."

The late Mr. Justice Littledale always rented Chambers in Gray's-Inn on the second floor; but did not reside there. I have often, when going home late at night, seen him standing on a chair looking for a book in his library. His industry was indomitable, and he was at that time devil to the Attorney-general. His chambers were large, and he had an excellent bedroom, with an expensive bed in it. Sometimes, when tired out, he would sleep in it. On the last occasion of his using it, he did not sleep in it for a very good reason: when he had undressed and got into the bed, he quickly jumped out of it again. The fact was that, instead of being his own beautiful bed, filled with the finest goose-feathers, he very unpleasantly discovered that his laundress had secretly gutted the bed and filled it with brick-

bats to make it appear in its usual state. Soon after this he was raised to a seat on the Queen's Bench, where he made a kind, good-hearted judge. He had formerly been a Fellow of St. John's College, Cambridge; and bore a great resemblance in countenance to Liston the actor.

When I was young, and during the time I was erving my articles in Gray's-Inn, the benchers of that Society came out shining like "the sun in the firmament" from among the other Inns of Court. The following is a list of them during this period: Sir Samuel Romilly, who had the largest business at the Chancery Bar; John Bell, who was better known as Jockey Bell, the first Wrangler of Trinity College, Cambridge; Stephen Gaselee, who was afterwards a Judge of the Common Pleas; George Heald, who was a Fellow of Trinity College Cambridge, had a good practice in the Court of Chancery, and left a large fortune; Philip Dauncey, he leader of the Oxford Circuit, and one of the wittiest men at that time practising at the Bar; Edward Christian, Chief-Justice of the Isle of Ely, and editor of *Blackstone;* Isaac Espinasse, editor of the well-known series of Reports; Sir John Bayley, afterwards one of the Judges of the Queen's Bench, and subsequently removed to the Exchequer, when it was thrown open to make the Court stronger; Sir George Sowley Holroyd, an eminent lawyer, and one of the Judges of the King's Bench; John Hullock, who had an extensive practice on the

Northern Circuit, and was afterwards made a Baron of the Exchequer; Thomas Andrews, who in due time became a serjeant.

Many of the above-named eminent persons had chambers in the Inn till the day of their promotion, and did not, as has been since the custom, migrate to the other Inns of Court. The present Master of the Rolls still adheres to the same Inn, of which his father was a bencher.

Lincoln's-Inn is an Inn of Court, with two Inns of Chancery attached,—Furnival's-Inn and Thavies'-Inn: so called after Henry de Lacy, Earl of Lincoln (d. 1312), whose town-house or inn occupied a considerable portion of the present Inn of Court, which bears both his name and arms, and whose monument in old St. Paul's was one of the stateliest in the church. The gate-house of brick in Chancery-lane (the oldest part of the existing building) was built by Sir Thomas Lovell, and bears the date on it of 1518. The chambers adjoining are of a somewhat later period, and it is to this part perhaps that Fuller alludes when he says that "Ben Jonson helped in the building of the new structure of Lincoln's-Inn, when, having a trowel in one hand, he had a book in his pocket." In No. 24 in the south angle of the great court leading out of Chancery-lane, formerly called the Gatehouse-court, but now Old Buildings, and in the apartments on the left hand of the ground-floor, Oliver Cromwell's secretary Thurloe had chambers from 1645 to 1659. Crom-

well must often have been here; and here, by mere accident, long after Thurloe's death, the Thurloe papers were discovered, concealed in a false ceiling.

Lincoln's-Inn Hall and Library, on the east side of Lincoln's-Inn-fields (Philip Hardwick, R.A., architect), is a noble structure in the Tudor style, built 1843-45, of red brick with stone dressings. The Hall is 120 feet long, 45 feet wide, and 62 feet high, with a roof of carved oak. The library is 80 feet long, 40 feet wide, and 44 feet high. The estimate of the contract was 55,000*l.*, but the total cost has not yet transpired. In the Hall is Hogarth's picture of Paul before Felix, painted for the benchers on the recommendation of the great Lord Mansfield, from the proceeds of a legacy to the Inn of 200*l.* The Hall was opened by the lamented Prince Consort, who was made a bencher just preceding the opening.

I was one day dining with the Lord Mayor at the Old Bailey, when the Chief-Justice Abbott was sitting next to him; and I overheard the following conversation. (I should mention that the then Lord Mayor was a great braggart.) He was boasting about his land and property, as very many of his civic brethren are wont to do. The Chief-Justice remarked that he had lately purchased a property at Hendon, and he should like to have his lordship's opinion as to the breeding of what cattle would pay him best. The Lord Mayor replied, "Sheep, sheep."

"So I have heard," replied the Chief-Justice; "and I shall purchase some." A gentleman who was his neighbour and sat on my left hand said to me, "The Lord Mayor has neither land nor sheep. What extraordinary impudence and waste of wickedness that such a fellow should attempt to deceive the Lord Chief-Justice of England!"

I was greatly amused on a late occasion at Godalming,—where Vice-Chancellor Malins, who is the Vacation Equity Judge, had taken a room in the principal hotel there to hear applications for injunctions and pressing summonses,—to listen to an attorney applying for an injunction at his own suit against the proprietor of a circus for a nuisance, through the performances being carried on within fifty yards of his offices. The Vice-Chancellor had previously permitted the ball at the Agricultural Hall to take place, when an injunction to restrain it had been applied for, and he seemed inclined to refuse the injunction in this case also: but unfortunately for the defendant, while he was delivering a judgment, the brass band of the circus, with its drums and cymbals in full play, passed by the window, and remained stationary in front of the inn. The Vice-Chancellor was unable to hear the application or the gentleman making it, and both the Vice-Chancellor and the latter at once were silent, until the former exclaimed, "I grant the application; for if this is not a nuisance, I do not know what is."

Lord Chief-Justice Holt, who had been very wild in his youth, was once out with some of his rakish companions on a journey into the country. They had spent all their money, and after consultation what to do, it was resolved that they should part company and try their fortunes separately. Holt got to an inn at the end of a straggling village, and, putting a good face on the matter, ordered his horse to be well taken care of, called for a room, bespoke supper, and looked after his bed. He then strolled into the kitchen, where he saw a girl about thirteen years of age shivering with an ague. He inquired of his landlady, a widow, who the girl was, and how long she had been ill. The good woman told him she was her daughter, an only child; and that she had been ill near a year, notwithstanding all the assistance she could procure from physic, at an expense which had almost ruined her. Holt shook his head at mention of the doctors, and bade the parent be under no farther concern, for that her daughter should never have another fit. He then wrote a few unintelligible words, in the court-hand, on a scrap of parchment which had been used as the direction to a transfer, and rolling it up ordered it to be bound on the girl's wrist, and remain there until she was quite recovered. The ague, however, returned no more; and Holt, after having continued there a week, called for his bill with as much courage as if his pockets had been filled with gold. "O, God bless you," said the old woman, "you are nothing in my debt: I am sure I wish I was able to pay you for

the cure you have performed on my daughter; and if I had had the happiness to have seen you ten months ago, it would have kept forty pounds in my pocket." Holt, after some altercation, accepted his week's accommodation as a gratuity, and rode away.

Many years afterwards, when he had become one of the Judges of the King's Bench, he went on a circuit into the same country; and among other criminals whom he was about to try, there was an old woman charged with witchcraft. To support the charge several witnesses swore that she had a spell, with which she could either cure such cattle as were sick, or destroy those that were in health; in the use of the spell they said she had been lately detected, which, having been found upon her, was ready to be produced in court. The Judge then desired it might be handed to him. It appeared to be a dirty bundle of rags bound round with a piece of tape. These coverings he removed one after another with great deliberation, and at last came to a piece of parchment, which he immediately perceived to be the identical strip he had once used as an expedient to supply his want of money. At the recollection of this incident he changed colour, and was silent for some time. At length, however, recovering himself, he addressed the jury in the following manner:

"Gentlemen,—I must now relate a circumstance in my life which very ill suits my present character and the station I now fill. But to conceal it would be to aggravate the folly for which I ought to atone, to endanger innocence, and to countenance superstiz

tion. This bauble, which you suppose to have the power of life and death, is a senseless scrawl which I wrote with my own hand and gave to this woman, whom for no other cause they accuse as guilty of witchcraft." He then related the particular circumstances of the transaction; which had such an effect on the minds of the accusers that they blushed at the folly and cruelty of their zeal; and Judge Holt's quondam hostess was the last person ever tried for witchcraft in that part of the country.

CHAPTER XXXI.

Short sketch of the late Mr. Henry Cooper, the Barrister, of the Northern Circuit—My introduction to him—His death—In his lifetime a great admirer of the late Mr. Baron Wood, of the Exchequer—Anecdote of the four Barons who formerly sat in Gray's-Inn Hall—Loss to Barristers by not going the whole circuit.

I HAVE not attempted to insert in this book the biography of any barrister; the work has no such pretensions. I think, however, that the following short sketch of the late Henry Cooper's career may prove interesting. I became acquainted with him somewhat singularly. I had a sister who married a Mr. Bolton, of the firm of Richardson and Bolton, great merchants in Liverpool, trading to the Havannahs. Mr. Bolton kept up a princely establishment, and had an extensive library at his Liverpool residence. His partner, Mr. Richardson, was a bachelor, but had a brother who was one of the largest merchants in Bermuda, and when in England—for, he was very partial to his mother-country—spent a considerable portion of his time at the London Coffee-house, Ludgate Hill. He was a great grower and importer of arrowroot, which at that time was almost universally displayed in the shop-windows as Richardson's arrowroot. He was rich and fond of company, and frequently invited myself and young Cooper to

dine with him; the dinners and wine were first-rate; whoever was absent, Cooper was always present. Generally, when the wine was beginning to take effect, we adjourned to Vauxhall Gardens, where I have seen Cooper bonnet a man, and thereby often get into an unpleasant row: he was a joyous fellow. I frequently called at his chambers, where I often met Mr. Matthew Davenport Hill, Q.C., who was a great friend of his.

From a once well-known work, Boyle's *Chronology*, I lately copied the following sketch: "Mr. Cooper, the barrister, was at the time of his death only eight- or nine-and-thirty, which event happened on the 19th September 1824. He went to sea with Lord Nelson, and was present at the battle of the Nile; but quitted the naval profession for that of the Bar, where he had practised about twelve years. He was afterwards Attorney-general at Bermudas, one of the Cockburns being Governor; where he displayed great activity of mind, and combined with powerful eloquence a sounder judgment and nicer skill in conducting a cause than had ever been known. But his best and highest forensic quality was his moral and professional courage, and his unshaken attachment to a good cause, no one having ever been compromised or betrayed by his advocacy."

Henry Cooper in early life took a liking for and entered the navy, and was a midshipman in the battle of the Nile; but soon after, disliking the service, he quitted the profession.

His education, when he returned from sea, was

through indulgence neglected; and he passed most of his time at Oby Hall, in Norfolk, the then residence of his father, and distant about eight miles from Yarmouth, in shooting, fishing, and driving a tandem-cart about the country, built of an unusual height; and an anecdote is related of him, that, after driving it awhile, he went to Mr. Clements, the builder, at Norwich, and said, "Well, Clements, you have built a machine to surprise all the world; and I am come to surprise you, by paying you for it." Cooper's reading was necessarily desultory and discursive; but such was the retentiveness of his memory that he forgot nothing he had once conned. As an instance of this, I must relate an anecdote often told of him by Mr. Jay, an attorney at Norwich, still living, and who was an excellent client and a great admirer of Cooper. When large business had flowed in upon him, and he went one day into court with a bag full of briefs; to his, Mr. Jay's, utter astonishment, after a case had been called on in which he was the attorney, and the several witnesses had been examined, and the cause gained, Cooper, who had led it, turned round and said, "There, Jay, I have won your cause; but I will be hanged if I know where your brief is; I read it, but somehow lost it." He of course used blank paper for his notes.

After his return home he took chambers in Fig-tree or Elm-court, in the Temple, read, awaited clients, and went the Norfolk Circuit; but, alas! few profitable knocks came to his door, and the

Circuit yielded rather expense than profit. But on he went, struggling and struggling, till at last his talents were acknowledged; and the four years preceding his death he was an eminent leader, and engaged in almost every cause throughout his Circuit, and was rapidly gaining a reputation in London from "the very eloquent, bold, and honest style of his defence" for Mary Ann Carlile, who was prosecuted by what was then styled the Constitutional Association for publishing a libel upon the government and the constitution of this country. The trial ended, after a brilliant speech of the defendant's counsel, full of argument, eloquence, and ability, in the dismissal of the jury, after being locked up all night; the counsel for the prosecution, the late Mr. Baron Gurney, consenting to their discharge. The report of the trial, and Cooper's speech in full, was printed and published by the notorious Richard Carlile, who then kept a shop in Fleet-street, and was entitled *Bridge-street Banditti* v. *the Press*. At the early age of forty, Henry Cooper died; and he was then looked on by the profession as a man who, had he lived, must have achieved the highest honours in it. He was an ardent admirer of, and some of his friends were pleased to say a close imitator of the oratory of, Lord Erskine; with whom, till he died, he was on terms of the greatest intimacy. In fact, he was writing his life for publication, by the express desire of Erskine himself, when death stayed his pen. But a few pages of it were written, and those only in the rough.

He never had the advantage of a pleader's chambers, nor let it be forgotten that in those days there were giants to contend with: Serjeants Blosset, Frere, and Storks, Messrs. Plumptre, Eagle, Robinson, Prime, and others of note, with Biggs Andrews, now Q.C., and George Raymond, author of the *Elliston Papers*, as juniors, were on the Circuit; all of whom have long since been dead, with the exception of Mr. Andrews and Mr. Pryme, who for many years represented Cambridge in Parliament.

On lately turning over a file of the *Times* newspaper, I met with the following paragraph, which was headed, "The late Henry Cooper:" "To most of our legal readers we feel convinced that this week's sketch of the late Henry Cooper, the friend, companion, and intended biographer of the late Lord Erskine, will prove highly acceptable. The unexpected and melancholy event which deprived the Bar of one of its most promising ornaments, and cast a shade over the gay and talented circle in which he moved, must be fresh within the memory of our readers. As yet no memoir, no frail tribute to stamp even a fleeting remembrance of his learning, professional fame, or liberal principles, has appeared; and while worthless rank and heartlessness have been perpetuated by marble, and the prostituted energies of literature, genius, talent, and honour have been left to the obscurity of the grave, not one of those who shared his gay and mirthful hours, who listened enraptured to his eloquence and flashes of wit, which, as Hamlet says, 'were wont to set the table in a

roar,' have endeavoured, by giving to the world his literary labours, or even a sketch of his life, to preserve his memory from oblivion.

"Upon being called to the Bar, his convivial powers and talent for conversation introduced him to Erskine, who found so much pleasure in his society that they became not mere friends, but inseparable companions, and plunged together in the gay round of pleasure which the world too temptingly presents to those men whose minds enable them to watch its interest and guide the machine by which society is regulated. To all who knew him, and the thoughtless life he led, it was a matter of surprise how and when he found time to attend to the numerous cases of his clients—for his field of action soon became extended; yet we will venture to pronounce, and feel confident of being borne out by those who knew him, that in no one instance did the cause of the party he advocated suffer.

"The death of Lord Erskine blighted Henry Cooper's hopes of a seat in Parliament, where his eloquence and sarcasm would have made him powerful as an ally, and feared as an antagonist. Very far advanced in his liberal opinions, to the then exclusive system of the Church he was a decided enemy, and a thorough reformer in the State."

On his return from the Bermudas he became and continued very intimate with the Cockburn family, and often prophesied the future success of the late Attorney-general, now Chief-Justice of the Court of Queen's Bench, then young Alexander Cockburn;

and often has Henry Cooper said to his brother, then about sixteen, when speaking of the above family, "Rely upon it, Billy, young Alexander, if he enter the profession, will do great things in it; he is a remarkably clever, energetic, and talented young man."

I have before mentioned when he died; but his half-brother, Mr. Cooper, who has a large practice, told me many particulars of his death. Some days prior to his death he had a severe attack of diarrhœa, which by some fatal mischance was mistaken by the surgeons who attended him for brain-fever: he was consequently bled, and drastic medicines were administered, which must have hastened, if they did not cause, his death, which happened at the house of a friend of his, named Hill, at Chelsea, where he was buried; but his body was afterwards removed by his sister, and deposited where it now lies, near his father's, in the cloisters of Norwich Cathedral.

Mr. Cooper was a great admirer of the late Mr. Baron Wood, who took much interest in his professional career. Sir George was a native of Barnsley, in the West Riding of Yorkshire, and served under articles to Mr. West, an attorney there. His attention to business was unremitting, and his habitual adherence to close study gave strong indications as to the greatness of his future acquirements. His employer frequently asserted that "George Wood would become a judge." He was by no means prepossessing in his appearance, and retained much of the characteristic bluntness and dialect of a York-

shireman; but he made a sound Judge, although no orator. In 1807 he was knighted, and retired from office in 1823. Sir George was supposed to have died worth nearly 300,000*l.*, the bulk of which fortune devolved upon numerous relatives. He expired on the 7th of July 1824, at his house in Bedford-square, aged 81, and was interred in the Middle Temple.

Formerly, after term, it was the practice for the four Barons of the Exchequer to sit in Gray's-Inn Hall, to decide disputed tithe cases, &c. At this time an old joke was floating about Westminster Hall respecting the four Barons. Sir George Wood was a lawyer, but not a gentleman; Mr. Baron Graham was a gentleman, but not a lawyer; Mr. Baron Garrow was neither a lawyer nor a gentleman; but the Chief-Baron was said to be both a lawyer and a gentleman.

Having alluded to the late Mr. Henry Cooper, I should here mention, what I have observed during a rather long life,—that numbers of barristers have missed a great opportunity through not going the Circuits. Many of them, probably, could not afford the expense of doing it, for it is very disheartening and very expensive; but if many of these poor disappointed barristers had persevered in it, and laughed at the bad joke of a leader, they might have got references and arbitrations, which would have compensated them in some degree for their outlay.

But there is another class of barristers, having plenty of money, who never follow the Circuit. I could mention a hundred instances; one has just occurred to me, Mr. J. O. Griffiths of the Oxford Circuit, who is a man of good property, and who, instead of going the whole Circuit, oscillated betwixt the two assize towns of Reading and Oxford. At length he made up his mind to go the whole Circuit; certainly having gained previously the reputation in town of being a good lawyer. A barrister on the same Circuit once said to me that Griffiths brought away more money (for the latter is what, after all, is chiefly cared for by counsel) than any other barrister on the Circuit; so that this is one case in which for years a considerable income had been lost through not following the Judges on the entire Circuit. The same result I remember, in another instance, on the same Circuit—that of the late Mr. Lawrence, a gentleman of ample means and great literary attainments, who so ably defended a barrister, one of the Directors of the late British Bank; indeed, after his speech, the then Attorney-general Atherton (a great friend of my late father's) told me that a better speech could not have been made by anyone in Westminster Hall; and this opinion was fully acquiesced in by Mr. Serjeant Shee. This was the time for him to have followed up the success he had achieved; but he did not do so, and thus lost a great opportunity of acquiring both fame and fortune; but, alas! to him it now makes no difference. About a fortnight since he was seized with a severe

illness, and whilst these sheets are passing through the press, has died at a comparatively early age. I have had the sorrowful duty of daily sitting with him, and was the last person with whom he dined previously to his fatal attack of illness. His death is regretted by the whole of the profession; a testimony to departed worth which is indeed a rare occurrence.

I may here mention that the Cock Tavern in Fleet-street has been a noted resort of lawyers for more than two centuries; and as it will soon disappear, to make room for the new Palace of Justice, I will give some little account of it.

When I first went there, no chops or steaks were cooked, but gentlemen and tradesmen went there in the afternoon to smoke their pipes (cigars being then very little used). The landlord at that time held a high position in Whitbread's brewery. It was at this time kept open during the night, and until the early hours of morning were far advanced it was often a difficult matter to find an unoccupied seat.

The gentlemen who frequented it were members of the Temple and other Inns of Court, and used their own silver tankards bearing their crests, which were exposed to view against the wall of the bar or coffee-room; and I have still many pleasant reminiscences of oyster and other suppers furnished at this house; a man from a neighbouring fishmonger's being specially retained to open oysters for the numerous customers, who with sharp appetites kept him fully employed in opening the numerous dozens then in

demand at what would now be considered a very moderate charge.

Now all this is quite changed. The house is closed at a very early hour at night, and nothing but chops and steaks are consumed there. It is, however, still celebrated for its excellent brown stout.

The tavern for a long period boasted of an excellent waiter named Colls, who having accumulated a moderate fortune, in return for the kindness of a generous master purchased what was then a low public-house almost immediately opposite, called the Rainbow, at that time frequented by the porters employed in the Temple and Lincoln's-Inn. This house has since been converted into the Rainbow Tavern, resorted to by barristers and gentlemen, and was some years since celebrated for its excellent dinners; but it has never been a very successful speculation for its different landlords.

To show that the Cock Tavern was always a great resort of the lawyers, the following singular advertisement appeared in the *Intelligencer*, No. 15, 1655:

"This is to notify that the master of the Cock and Bottle (commonly called the Cock Ale-house) at Temple Bar hath dismissed his servants and shut up his house for this Long Vacation, intending (God willing) to return at Michaelmas next; so that all persons whatsoever who have any accompts with the said master, or *farthings* belonging to the said house, are desired to repair thither before the 8th of this instant July, and they shall receive satisfaction."

The landlord at that time issued farthings, or tokens, which were usual among the London tradesmen in the then imperfect state of the coinage of the kingdom, one of which farthings I have seen: on one side is the effigy of the bird, the sign of the house, with the words, "The Cock Ale-house;" and on the other, "$\frac{C}{HM}$ at Temple Bar, 1655."

In a modern revised edition by R. W. Brayley, published in the year 1839, of Defoe's *Journal of the Plague-Year in* 1665, the following note appears:

"The Cock is still a well-known and much-frequented house on the north side of Fleet-street, between Bell-yard and Chancery-lane."

The present landlord, Mr. Colnett, was born in the house, and has always conducted it in good style. Its comfortable boxes, partitioned in mahogany, almost by wear and age the colour of ebony, and its quaint Elizabethan mantelpiece, attest the ancient character of the house. It is, as before remarked, likely soon to follow the fate of another celebrated old tavern in the same locality, known as the Mitre, in Mitre-court, Fleet-street, recently pulled down, for many years the favourite resort of Dr. Johnson, whose bust embellished a most comfortable nook in which the celebrated lexicographer was accustomed to take his ease in company with his friend Boswell. The closing of the Cock Tavern for the purpose before mentioned will be a source of great regret to its numerous patrons. It may, however, after the fashion of the Mitre, be resuscitated not far from its present site; but elegance of style will hardly

compensate for the recollections connected with an old-established tavern, almost the last of its peculiar class.

There, however, still remains the old Cheshire Cheese in Wine-office-court,* which will afford the present generation, it is hoped, for some years to come, an opportunity of witnessing the kind of tavern in which our forefathers delighted to assemble for refreshment.

Having brought this work to a close, I cannot better end it than in the language of Dr. Johnson, who chose for the title to the last chapter of his charming tale of *Rasselas, Prince of Abyssinia*, the following words: "The conclusion, in which nothing is concluded."

* In this court, in the very centre of London, may still be found two Fig-trees in a flourishing condition, from which cuttings have frequently been taken for the purpose of planting in the country; and some trees derived from this parent stock may be seen in an extensive fig-tree garden near Worthing, Sussex.

THE END.

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